

Moray Council

Trading Standards Annual Report

April 2010 to March 2011

Highlights

Trading Standards Bring Curtain Down on Concert Promoter

Trading Standards obtained an Enforcement Order following over 60 complaints about a promoter's failure to provide refunds to consumers after music events were cancelled at the last moment. Despite Trading Standards securing promises that refunds would be made, in the end very few were actually made. This sparked an investigation which culminated in Elgin Sheriff Court imposing an Enforcement Order under the Enterprise Act 2002 to prevent a repeat of the behaviour. Failure to observe the Order could lead to a fine or imprisonment.

Short Weight Coal

With increasing fuel costs and energy poverty, customers need reassurance that their coal deliveries are not short weight. A coal merchant was fined £600 having admitted selling two bags of coal which were found to be significantly under the declared weight of 50kg. The offences were discovered during a Trading Standards investigation into the sale of coal.

Money Advice Boost

The Money Advice service was fortunate to gain additional temporary resources from the 'Fairer Scotland Fund' to increase capacity. This enabled the service to help more people experiencing debt problems and to reduce client waiting lists.

Debt Management Companies

Both Trading Standards enforcement and the Money Advice service have an interest in the conduct of Debt Management Companies. Some companies are legitimate; however, many cause concern by failing to act in client's best interests, often making client's debt problems worse. We welcomed the warning by the Office of Fair Trading (OFT) to 129 Debt Management firms to start complying with its Debt Management Guidance or face losing their consumer credit licenses. The OFT's main message to those facing financial difficulties is to use free, high quality services on their doorstep.

What We Do

Trading Standards Enforcement

Trading Standards ensure fair trading to protect consumers and business from unfair and unsafe trading practices. Fair trading improves consumer confidence, which in turn, encourages trade and economic growth. The service is guided by the [enforcement policy \(link\)](#).



The service covers:-

- Unfair Trading
- Age Related Sales
- Product Counterfeiting
- Consumer Safety
- Weights and Measures
- Animal Feed Safety and Quality
- Consumer Credit

Consumer Advice

The consumer advice service provides practical advice and assistance to consumers (and small businesses) with consumer problems. This includes advice and mediation between consumers and



business. Consumer advice is the 'eyes and ears' of the service and frequently identifies enforcement issues, which are passed to the enforcement team. Consumer Advice is guided by the [consumer advice and education policy \(link\)](#).

Money Advice



The money advice service provides assistance to help clients get their debts under control. Typically, advisers will negotiate arrangement with creditors to create realistic repayment plans for clients. Increasingly, clients are choosing to use the statutory 'Debt Arrangement Scheme' (DAS for short). DAS provides legal safeguards from further legal action and freezes interest. Money Advice is guided by the [money advice policy \(link\)](#).

Licensing Standards

Licensing Standards promote the five objectives of alcohol licensing legislation:-

- Preventing crime and disorder,
- Securing public safety,
- Preventing public nuisance,
- Protecting and improving public health, and
- Protecting children from harm.



The Licensing Standards Officer provides information and guidance to licensees as well as supervising compliance through premises inspections. They also provide mediation services to avoid and resolve disputes or disagreements linked to the licenced trade. Licensing Standards follows the Council's [Licensing Policy \(link\)](#).

What we Achieved

Trading Standards Enforcement and Consumer Advice

Compliance and enforcement is intelligence led to tackle issues causing most concern or most harm. This means we:-

- Analyse local and national information; for example consumer complaint statistics
- Consider research and reports on consumer issues
- Share intelligence with Trading Standards authorities and other partners
- Use individual complaints and 'tip-offs'

Identified issues were tackled by projects and initiatives. The outcomes were:-

1. The accuracy of weighing machines used in healthcare is important for proper diagnosis and prescription. The service has worked with health care providers to improve the accuracy of healthcare equipment. 57 machines were tested. The results were used to assess and improve maintenance arrangements.
2. Two projects were completed on sales of age restricted products

Product	Number of Test Transactions	Number of Sales	Failure Rate
Spray Paints	13	4	30%
Petrol	19	7	37%
Total	32	11	34%

Businesses that made illegal sales received warnings.

3. A free check on child car seats was offered to shoppers. 205 car seats were checked with 45 (22%) found to be incorrectly installed.
4. The service tested 20 drinks measures in 10 different premises and found a mixed response with 8 being over measure, 6 being correct and 6 being under measure. The greatest over measure was found to be +21.6% whilst the smallest delivery was -10.8%. Three warnings were issued.
5. Scams are currently estimated to cost the UK public around £3.5 billion a year. The service identified the top ten scams affecting Moray residents during the year and publicised the

list. This was combined with a scam amnesty allowing members of the public to dispose of scam mail in bins provided in libraries.

6. The Service monitors complaints received against individual businesses in Moray. Traders who were the subject of the highest number of complaints were targeted with visits and advice with their ongoing performance kept under review.
7. The Service investigated the sale of pre-packed coal and other solid fuel to ensure it is the correct weight. Most pre-packed bags of coal were found to comply. Advice and guidance was provided and where appropriate, details passed to neighbouring Trading Standards.
8. The service worked in partnership with other north of Scotland Trading Standards authorities to test Halloween masks and wigs to ensure they met flammability standards. Of 33 items tested, 3 were found to be dangerous and enforcement action taken – fortunately none failed in Moray.
9. Evening inspections of safety standards at petrol filling stations revealed a number of problems. Of the 23 sites visited, only 4 had a clean bill of health, with issues such as inadequate lighting, failure to lock and secure petrol tanks and the poor training and awareness of part time staff found working during these hours. The Service is now addressing the issues found at each site and demanding improvements.
10. Trading Standards provides invaluable advice and guidance to small business, especially when these are in the process of establishing themselves and who may not be aware of the all the legal requirements facing them. This project identified 22 new or small “cottage” type businesses that had not previously come into contact with the Service. Through first contact via questionnaire, the Service was able to identify a number of premises who required advice, guidance and inspection to ensure that they were able to comply.

Consumer Advice

The service assisted 1316 consumers with consumer complaints. The average time to conclude consumer complaints was 5 days. Client satisfaction was 96.6%. 210 (16%) of the complaints included allegations of Trading Standards Offences.

Consumer Advice in Action

Following complaints about a claims management company Trading Standards provided information to the Ministry of Justice who subsequently suspended the company’s authorisation to trade. Trading Standards then assisted clients to reclaim payments from credit card companies under consumer credit joint liability rules.

A consumer purchased a suite from a Furniture Retailer. On delivery the suite was found to be faulty. Despite being advised within minutes of the fault the retailer refused to accept rejection of the suite and instead attempted a repair. The consumer contacted Trading Standards who negotiated with the retailer. A further repair was attempted unsuccessfully. The retailer then offered a replacement suite for the consumer which was accepted.

A consumer purchased a car specifically to tow a caravan for the family holiday. The engine overheated a short time after purchase. It was returned to the dealer who repaired it after some delay. However, the fault reappeared and the car had to be returned to the dealer. With less than a fortnight to go before the holiday, the consumer approached trading standards. We negotiated with the trader who quickly carried out a lasting repair.

Business Inspections

In addition to the intelligence led work, the service carried out 410 planned inspections and other compliance checks. 82% of businesses complied with Trading Standards requirements. Follow up action increased the level of compliance to 94%. Business satisfaction with Trading Standards compliance checks was 100%. Trading Standards advice was provided to 163 businesses. Business satisfaction with advice provided was 96%

Investigations and Prosecutions

Sometimes the service has to take formal enforcement action, for example, where serious offences come to light. During the year, the service made 7 reports to the Procurator Fiscal. 1 Case came to court with the accused being found guilty. Other enforcement action included 11 warnings and 7 statutory notices.

Money Advice

The Money Advice service provided advice and assistance to 600 new clients. The total debt (excluding first mortgages) was £7.7m, averaging out at £12,800 for each client. The average waiting time for a first interview was 7 days. Client satisfaction with the service received was 100%.

50% of our new clients came to us direct or via word of mouth from friends & family. 50% were referred by a range of agencies/departments like Housing, Social Work and most notably our long term partners at Moray Citizens Advice Bureau.

The service has begun the transition to paper light working with new case records kept electronically. This improves efficiency by making storage and retrieval of information faster and easier.

Licensing Standards

Licensing Standards handled 23 complaints and enquiries and carried out 205 compliance checks at licensed premises. Business satisfaction with Licensing Standards compliance checks was 100%.

The requirements of the Licensing (Scotland) act 2005 are now well implemented by the majority of premises in Moray. Where issues have been identified they have been quickly addressed. Current concerns are the granting of occasional licenses, clubs failing to comply with their obligations under the Act and the low price of alcohol being sold by supermarkets. It is likely that the Scottish Government will review minimum pricing in the forthcoming year. Challenge 25 will be introduced to require proof of age by anyone appearing to be under 25.

The Future

Designing Better Services

The biggest changes will come from the Council's 'Designing Better Services' (DBS) programme. This will see significant service redesign to provide better customer services and more efficient working practices. Services will be moving to the new 'Annex' attached to the existing Council headquarters in Elgin.

Money Advice / Welfare Benefits merger

The Council's welfare benefits team is merging with the money advice team to create a financial inclusion team. The vision is for a fully integrated service providing all aspects of money, debt and welfare benefits advice and will in due course operate from the Council's new customer services centre

Revised Debt Arrangement Scheme

The debt arrangement scheme (DAS) is very useful for helping debt clients pay off their debts in a managed way. It freezes interest and blocks court action by debtors to recover debts by other means. The revised scheme brings many client benefits, including payment holidays to cope with unexpected events such as redundancy, joint payment plans for partners and dealing with single debts.

New Alcohol Licensing Legislation

New legislation introduces restrictions on multiple sales discounts and the 'Challenge 25' policy, which requires licensees to check the age of anyone who appears to be under 25 before serving them. The Licensing Standards officer will be working with the Licensing Section of the Council and the [Local Licensing Forum \(link\)](#) to ensure licensees are informed about the changes and apply them.

Consumer Landscape Review

The government is [consulting \(link\)](#) on reform of arrangements to ensure that the provision of consumer information, advice, education, representation and enforcement is delivered effectively and efficiently. These include proposals to focus delivery through Trading Standards services and Citizens Advice.

Tobacco Legislation

The Tobacco and Primary Medical Services (Scotland) Act 2010 aims to further reduce the number of young people taking up smoking. It gives Trading Standards powers to issue penalty charges to those who sell cigarettes to under 18s. It also gives the Council powers to apply for 'banning orders' that prohibit businesses that repeatedly sell to under 18s from selling tobacco. Trading Standards will be using the new powers to improve enforcement.

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