

SPSO decision report

Case: 201101430, Dumfries and Galloway Council
Sector: local government
Subject: trading standards
Outcome: not upheld, no recommendations

Summary

Mr C complained that the council failed to deal with his complaint about a local trader properly. Mr C said he had problems with a car he purchased from a trader and asked trading standards to help. Mr C said he called trading standards many times and had to go to the complaints department at the council and write to the chief executive before the trading standards service would do anything for him.

In their response to our enquiry on the complaint, the council provided copies of their complaints procedure, the criminal legislation relevant to this case, their enforcement policy and the code of practice on which the policy is based, as well as trading standards' electronic computer record on the complaint about the trader and copies of correspondence between Mr C and the council and the council's internal communications.

The evidence showed that the action taken by trading standards was in accordance with the criminal legislation they enforce, their enforcement policy and the code of practice. The evidence showed that trading standards endeavoured to mediate in Mr C's civil dispute and provide information on the feedback they received from the trader. The council responded to Mr C's complaints about the trading standards service in accordance with the timescales set out in their complaints procedure.

The council's trading standards service are duty bound to consider any breaches of the criminal legislation they enforce and it is for them to determine what action if any is appropriate. There is no obligation on the council's trading standards service to provide any assistance to consumers who have contractual disputes with traders. However, the council have chosen to provide a mediation service for consumers in their area. This does not mean that they are required to represent consumers but simply to mediate in the dispute.

The evidence showed that the council dealt with Mr C's complaint properly and we did not uphold his complaint.