

SPSO decision report

Case: 201603380, The City of Edinburgh Council
Sector: local government
Subject: trading standards
Decision: not upheld, no recommendations

Summary

Mr C complained that the council's Trading Standards department failed to take action against a motor trader in respect of his complaint.

Mr C was unhappy with the condition of a vehicle he purchased and later shipped outside the UK. He was also concerned that the vehicle registration document and a vehicle inspection certificate were not provided. After complaining to the trader, Mr C contacted Trading Standards. Mr C was of the view that Trading Standards were responsible for taking action under the Road Traffic Act 1998 (RTA) and the Consumer Rights Act 2015.

The council explained to Mr C and us that Trading Standards were not empowered to prosecute traders for a breach of Section 75 of the RTA. In addition, the police told Mr C that the RTA only applied to vehicles driven in Britain. The council also explained that Trading Standards could, following the evaluation of relevant, robust and corroborated evidence, make a report suggesting prosecution to the Procurator Fiscal Service (PFS), but that the decision on whether or not to prosecute lay with the PFS and not Trading Standards. In this case, Trading Standards determined that Mr C did not provide them with sufficient evidence upon which to bring or suggest a prosecution, and they explained to Mr C the type of evidence they would need to consider this.

Trading Standards advised Mr C that his best recourse was to follow the guidance of Citizens Advice Scotland on a problem with a used car. Mr C did not accept the council's explanations and advice but his disagreement, of itself, was not evidence of a failing by Training Standards.

We concluded that the actions of the council were reasonable and proportionate to the issues Mr C brought to Trading Standards and therefore we did not uphold his complaint.