

High Standard

Trading Standards News



On the 28 January 2024 the Government announced that disposable vapes will be banned in the UK as part of the Government's plans to tackle the rise in youth vaping and protect children's health.

- Ban on disposable vapes which have driven alarming rise in youth vaping.
- New powers to restrict vape flavours, introduce plain packaging and change how vapes are displayed in shops so they don't appeal to children.
- New law will make it illegal to sell tobacco products to anyone born on or after 1 January 2009, delivering on the pledge to create a smokefree generation.

Disposable vapes will be banned in the UK. The measure comes as part of the Government's response to its consultation on smoking and vaping, which was launched in October 2023.

Recent figures show the number of children using vapes in the past 3 years has tripled. Use among younger children is also rising, with 9% of 11- to 15-year-olds now using vapes. The long-term health impacts of vaping are unknown, and the nicotine contained within them can be highly addictive, with withdrawal sometimes causing anxiety, trouble concentrating and headaches. While vaping can play a role in helping adult smokers to quit, children should never vape.

E Cigarettes & Vaping Products: Government Announcement on Proposed Ban of Disposable Vapes

Disposable vapes have been a key driver behind the alarming rise in youth vaping, with the proportion of 11- to 17-year-old vapers using disposables increasing almost ninefold in the last 2 years.

New powers will be introduced to restrict flavours which are specifically marketed at children and ensure that manufacturers produce plainer, less visually appealing packaging. The powers will also allow Government to change how vapes are displayed in shops, moving them out of sight of children and away from products that appeal to them, like sweets.

To crack down on underage sales, the Government will also bring in new fines for shops in England and Wales which sell vapes illegally to children. Trading Standards officers will be empowered to act 'on the spot' to tackle underage tobacco and vape sales. Vaping alternatives - such as nicotine pouches - will also be outlawed for children who are increasingly turning to these highly addictive substitutes.

The Government has reiterated its commitment to bring about the first smokefree generation and introduce legislation so children turning 15 in 2024 or younger can never legally be sold tobacco.

Smoking is the UK's single biggest preventable killer - causing around 1 in 4 cancer deaths and leading to 80,000 deaths per year - so stopping young people from ever starting to smoke is seen as protecting an entire generation, and future generations, from smoking harms as they grow up.

To help ensure the success of the smokefree generation plan, £30 million new funding a year will be provided to bolster enforcement agencies - including Border Force, HM Revenue and Customs (HMRC) and Trading Standards - to implement these measures and stamp out opportunities for criminals.

Chief Medical Officer Professor Chris Whitty said:

“Smoking damages and cuts short lives in extraordinary numbers. Stillbirths, cancer, asthma, dementia, stroke, and heart failure - smoking causes disability and death throughout the life course. If passed, this legislation would have a major public health impact across many future generations.”

Allison Ogden-Newton OBE, Chief Executive of environmental charity Keep Britain Tidy, said: *The announcement of a ban on disposable vapes is great news for the environment. Our surveys show that disposable vape litter has doubled in the past 2 years alone and last year more than 16% of the sites we surveyed were blighted by these single-use items, posing a significant risk to wildlife, and polluting our streets, parks, and beaches. An estimated 260 million are thrown away in this country every year, wasting precious scarce resources, including lithium”.*

E Cigarettes & Vaping Products: Government Announcement on Proposed Ban of Disposable Vapes

The Environmental Protection (Single-use Vapes) (England) (Draft) Regulations 2024

As previously announced in January 2024 disposable vapes will be banned in England. The Scottish Government and Welsh Government have also confirmed they intend to introduce legislation.

A disposable vape has a very short life span and, as well as encouraging youth vaping, they are harmful to our environment. Not only are precious resources wasted in their manufacture and disposal, but far too many are being carelessly discarded - this littering blights our communities and pollutes our soil and water.

Government has now published draft regulations which set out the scope of the ban on the sale and supply of disposable vapes in England. This includes both nicotine and non-nicotine containing products.

Government Policy Paper: Stopping the Start: Our New Plan to Create a Smokefree Generation.

On the 31 January 2024 Government announced a new Policy Paper: Stopping the start: our new plan to create a smokefree generation. Smoking is a leading cause of preventable death and illness in the UK. The Government in 2019 pledged to make England 'smokefree' by 2030 – achieved when adult smoking prevalence falls to 5% or less. The great majority of smokers start as teenagers. Drawing on the 2022 Khan Review recommendations, the Government will bring forward new legislative proposals to raise the age of sale indefinitely. The Government wants to continue the current downward trajectory and get smoking rates to 0%. There is no safe age to smoke.

Legislating to create a smokefree generation.

The Government will bring forward legislation making it an offence to sell tobacco products to anyone born on or after 1 January 2009. In effect, the law will stop children turning 14 or younger this year from ever legally being sold tobacco products - raising the smoking age by a year each year until it applies to the whole population. This will ensure children and young people do not become addicted in the first place.

The Children and Young Persons (Sale of Tobacco etc) Order 2007 increased the legal age of sale for tobacco products from 16 to 18 years old in England and Wales. There have been calls in recent years to go further. The Khan Review recommended the Government raise the age of sale by one year each year to stop people from ever starting to smoke and create the first smokefree generation.

Tobacco and Vapes Bill 2024

The Tobacco and Vapes Bill will:

1. Create the first ever smokefree generation by:

- making it an offence to sell tobacco products to those born on or after 1 January 2009, thereby phasing out the sale of tobacco products, while not stopping anyone who currently legally smokes from being able to do so. This will mean anyone who turns 15 or younger in 2024 will never legally be sold tobacco products.
- amending existing legislation to make it an offence for anyone over 18 to purchase tobacco products on behalf of those born on or after 1 January 2009 (proxy purchasing).
- supporting the enforcement of the new measures by requiring retailers to update the current age of sale notices (or warning statements) to read: 'It is illegal to sell tobacco products to anyone born on or after 1 January 2009'.

2. Reduce the appeal and availability of vaping products by:

- providing powers for ministers to regulate:
- the flavours and contents of vaping products
- the packaging and product presentation of vaping products
- point of sale displays of vaping products.
- making it an offence to sell non-nicotine vaping products to someone who is under 18 in England, Wales and Northern Ireland. Scotland already has this in place.
- introducing a ban on the free distribution of vaping products to under 18s in England and Wales and provide Northern Ireland with a power to also introduce a ban. Scotland already has these powers.
- providing ministers with powers to extend the measures outlined above for vaping products to other nicotine products such as nicotine pouches.

3. Strengthen enforcement of underage sales of tobacco and vapes by:

- providing enforcement authorities in England and Wales with the power to issue Fixed Penalty Notices of £100 for the underage sale of tobacco products and vaping products.
- continuing to apply existing penalties to give Trading Standards the ability to escalate to a level 4 fine (up to £2,500), as well as restricted premises orders and restricted sales orders for repeat offenders in England and Wales

HMRC Policy Paper: Stubbing out the problem: A new strategy to tackle illicit tobacco.



On the 31 January 2024 HMRC announced a new Policy Paper: Stubbing out the problem: A new strategy to tackle illicit tobacco.

Smoking is a leading cause of preventable death and illness in the UK. The Government in 2019 pledged to make England 'smokefree' by 2030 – achieved when adult smoking prevalence falls to 5% or less.

It recognises that efforts must continue to tackle the criminals seeking to undermine the progress made. HMRC estimates that the illicit market in tobacco duty and related VAT was £2.8 billion in 2021 to 2022. The proceeds of this crime fund the smuggling of weapons, *drugs*, and even *human beings across the globe*.

HMRC launched its first strategy to tackle illicit tobacco in 2000. This, and consequent strategies with Border Force, have reduced the estimated duty gap for cigarettes by a third (from 16.9% in 2005 to 11% in 2021 to 2022) and for hand-rolling tobacco by a half (from 65.2% to 33.5% over the same period). The last strategy published in 2015 drove forward bold new legislation, sanctions, controls, and operations to tackle the illicit trade.

The strategy:

- sets out our new root and branch approach - which targets the demand for illicit trade (the consumers that criminals seek to exploit) as well as the supply (the criminals themselves)
- is supported by over £100 million new funding over the next 5 years to boost HMRC and Border Force enforcement capability.
- establishes a new, cross-government Illicit Tobacco Taskforce – combining the operational, investigative and intelligence expertise of various agencies, and enhancing our ability to disrupt organised crime.

“Illicit tobacco preys on the most disadvantaged in our community, stealing health and hope” – Javed Khan, Independent Review into Making Smoking Obsolete, June 2022

Tobacco harms our health, our productivity, and our economy. Its harms are well-documented and widespread. In 2019 the government committed to making England smokefree by 2030 – achieved when adult smoking prevalence falls to 5% or less. To support this ambition, in October 2023 the Government set out its intention to create a ‘smokefree generation’. This means anyone born on or after 1 January 2009 will never be legally sold tobacco products.

Illicit tobacco, however, is recognised as undermining these efforts. The illicit trade involves a range of tobacco products that are sold illegally, often to underaged users, without paying taxes (VAT and excise duty). It provides a cheap and unregulated supply of tobacco to those who might otherwise be deterred by cost.

Illicit tobacco trade undercuts law-abiding businesses. It funds other organised crime with its proceeds and increases the burden on honest taxpayers. HMRC estimated the illicit market in tobacco duty and related VAT at £2.8 billion in 2021 to 2022. Its impacts are disproportionately felt by the most disadvantaged in our communities, with over half of all smokers of illicit tobacco coming from the most deprived socioeconomic groups.

Target the retailers that facilitate the fraud.

HMRC works closely with Trading Standards to disrupt the illicit tobacco trade at retail level – known as Operation CeCe. **This work began in January 2021 and has already led to the seizure of over 28 million illicit cigarettes and nearly 8 tonnes of illicit hand-rolling tobacco in the first 2 years.**

New sanctions to tackle illicit tobacco duty evasion.

Stronger powers to combat illicit tobacco were introduced in July 2023, including penalties of up to £10,000 for any businesses and individuals who are caught selling illicit tobacco products.

This builds on the existing successful collaboration between HMRC and Trading Standards. Under these stronger powers Trading Standards are able to make referrals to HMRC where they find evidence that a contravention of the Tobacco Track and Trace system has occurred. HMRC manages the administration and issuing of the relevant sanctions under the new powers.

Illegal Tobacco Update

As part of the City Council's Trading Standards Service commitment to the regional illegal tobacco campaign and in conjunction with HMRC and National Trading Standards the delivery of Operation CeCe; in support of our work contributing to the "Smoke Free Newcastle" strategy from April 2022 to March 2023 the Service seized 584,220 suspected illegal cigarettes and 166.15 Kg's of suspected illegal Hand Rolling Tobacco during a series of intelligence and targeted operations. These seizures follow the 611,514 suspected illegal cigarettes and 194.84 Kg's of suspected illegal Hand Rolling Tobacco seized in 2021-2022.

In 2023-2024 the service has seized some 544,210 suspected illegal cigarettes and 171.5 Kg's of suspected illegal Hand Rolling Tobacco.

These operations involved inspections of businesses, the searches of residential premises, and vehicles. The latest operations were again prompted by several tip offs from members of the public and from the legitimate trade.

A survey published by the tobacco office Fresh found that 54 per cent of children aged 14 and 15, who smoke, say they buy illegal tobacco from sources like "tab houses" and shops, while 73 per cent say they have been offered illegal tobacco.

Ailsa Rutter, Director of Fresh said "Our research has found that illegal tobacco sellers will sell to kids of any age. It is about 54 per cent of the 15-year-old smokers who, when we surveyed them, said they were buying illegal tobacco, so we really don't want our kids getting hooked".

If you have information regarding the sale and distribution of illegal tobacco, please phone 0300 9990000 or visit www.keep-it-out.co.uk

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Botulinum Toxin and Cosmetic Fillers (Children) Act 2021



From the 1 October 2021 it is a criminal offence to administer botulinum toxin (commonly known as ‘Botox’) or a filler by way of injection for a cosmetic purpose to a person under eighteen in England, even if they have the permission of someone over eighteen.

It is also an offence to make arrangements or book an appointment to provide these treatments to anyone under the age of 18 in England.

The purpose of the new law is to safeguard children from the potential health risks of botulinum toxins (commonly known as ‘Botox’) and cosmetic fillers. The age restriction has been set at 18 years as it aligns with age restrictions in England on other comparable body modifications which carry health risks, such as tattooing, sunbed use and teeth whitening.

The prohibition aims to reinforce existing good practice within the cosmetics industry. The procedures carry risks to physical health, including infection, blindness and in rare cases death, and there are psychological implications associated with changing physical appearance.

Young people are particularly vulnerable as they are developing physically and mentally, and there are ethical implications around the extent to which they can give informed consent to procedures. Many practitioners choose not to perform these procedures on young people, but because the law did not expressly prohibit it, it was possible for a person under the age of eighteen to undergo these procedures. This is no longer the case.

Under the Act, it is an offence for a person to administer, in England, to a person under 18 a botulinum toxin or subcutaneous, submucous, or intradermal injection of a filler for a cosmetic purpose. This would not apply where the arranged procedure will be administered by a doctor, or a regulated health professional acting in accordance with the directions of a doctor. Doctors should, as per their usual practice, follow guidance and standards issued by their regulator, the General Medical Council, when considering the use of either product types.

No Cold Calling Zones

No Cold Calling Zones aim to decrease doorstep crime incidents by specifying a Zone in which doorstep callers are not welcome. Zones are usually defined by window stickers placed in the doors or windows of homes within the Zone area.



Zones range in size in Newcastle to those containing flats within a residential care home through to thousands of homes in a residential estate. They are set up either in response to incidents, local intelligence, or on request - but all follow a comprehensive consultation process.

Zones should meet the three criteria before they can be set up:

- a history of doorstep crime or distraction burglary
- a vulnerable population
- a defined geographical area

The No Cold Calling Zone is an area in which residents have stated they do not wish to receive unsolicited visits to their homes (cold calls) from businesses. The zones are set up by the City Council's Trading Standards Service working in partnership with Northumbria Police and Safe Newcastle.

The main aim of the zones is to reduce the number of unwanted and uninvited callers to households soliciting services or goods, which in turn reduces the number of criminal or civil law offences committed against Newcastle residents.

There are currently some 33 zones implemented across Newcastle, protecting some 84,799 households. Fifteen of our wards: Parklands, Walkergate, Benwell & Scotswood, Kenton, North Jesmond, South Jesmond, Chapel, Dene and South Gosforth, Blakelaw, West Fenham, Byker, Castle, Fawdon & West Gosforth, Gosforth and Kingston Park South and Newbiggin Hall have all been declared as No Cold Calling Zones.

The Trading Standards Service continues to look towards the implementation of some further No Cold Calling Zones (NCCZ). **For full details relating to the zones, including maps outlining the extent of the zones, please visit our website at newcastle.gov.uk/tradingstandards or email tradingstandards@newcastle.gov.uk.**

Notifiable Animal Diseases



Avian influenza (bird flu) is a notifiable animal disease. If you suspect any type of avian influenza in poultry or captive birds, you must report it immediately by calling the Defra Rural Services Helpline on 03000 200301. Failure to do so is an offence.

If you find dead wild waterfowl (swans, geese, or ducks) or other dead wild birds, such as gulls or birds of prey, you should report them to the Defra helpline 03459 335577, please select option 7.

All bird keepers (whether you have pet birds, commercial flocks or just a few birds in a backyard flock) must keep a close watch on them for signs of disease and always maintain good biosecurity. If you have any concerns about the health of your birds, seek prompt advice from your vet.

You should register your poultry, even if only kept as pets, so we can contact you during an outbreak. This is a legal requirement if you have 50 or more birds. Poultry includes chickens, ducks, turkeys, geese, pigeon (bred for meat), partridge, quail, guinea fowl and pheasants.

For further information go to www.gov.uk/guidance/avian-influenza-bird-flu.

Pet Animals and Travel

If you're travelling from Ukraine with your pets, call +44 3000 200 301 (option 2) or email pettravel@apha.gov.uk to find out what to do. These rules apply to Great Britain (England, Wales, and Scotland). You can enter or return to Great Britain with your pet cat, dog, or ferret if it:

- has been [microchipped](#)
- has a [pet passport or health certificate](#)
- has been [vaccinated against rabies](#) - it will also need a blood test if you're travelling from an [country that is not 'listed'](#)
- Dogs must also usually have a tapeworm treatment.
- Your pet may be put into quarantine for up to 4 months if you do not follow these rules - or refused entry if you travelled by sea. You're responsible for any fees or charges.
- There's different guidance if you're taking your pet dog, cat, or ferret abroad.
- You must follow extra rules if the animals will be sold or rehomed in Great Britain.
- If you bring a banned breed of dog into Great Britain it can be taken away from you by the police or local authorities and could be destroyed.

Bringing your pet to Great Britain

- Your pet must arrive in Great Britain no more than 5 days before or after you, or you'll have to follow different rules.
- You must use an approved route unless you're travelling within the UK or from Ireland.
- You need to fill in a declaration confirming that you are not going to sell or transfer the ownership of your pet.

Bringing a ferret to England. Ferrets can catch and spread new variants of coronavirus (COVID-19). If you bring a ferret to England from outside the UK, Ireland, the Channel Islands, and the Isle of Man, you should keep it away from other ferrets and from people in other households for 21 days.

Before you travel. Check if the company you're travelling with:

- will accept your pet for travel - and how many they'll accept if you have more than one.
- needs any proof that your pet is fit and healthy to travel, for example a letter from a vet or certain information in your pet passport.

Authorising someone else to travel with your pet. Your pet can travel with someone else if you've authorised it in writing.

Bringing other animals. The rules are different if you're bringing other animals into Great Britain. For further information go to: <https://www.gov.uk/bring-pet-to-great-britain>

Loan sharks



The City Council's Trading Standards service is continuing to work with the England Illegal Money Lending Team (IMLT) to steer residents away from borrowing from loan sharks.

A loan shark is someone who lends money illegally without the correct authorisation from the Financial Conduct Authority (FCA). Loan sharks normally appear friendly at first, but this behaviour soon changes once monies are owed.

It's easy to fall into the grip of a loan shark; they seem like friendly people at first, someone who you might refer to as a close neighbour or colleague. You might find yourself short for money during the festive season but borrowing from a loan shark could result in you paying back significantly more with extortionate interest rates and threats included. When taking out a loan from an illegal money lender, you will be left in the dark, not knowing much how much money you owe or the amount of interest you're being charged on the loan as often no paperwork is given.

We understand it can sometimes be scary to ask for help, but if you call the England Illegal Money Lending Team's hotline on 0300 555 2222, you can speak to a member of the team anonymously or in confidence. They are there to help, not judge, and will let you know what your options are so you can decide what to do.

In some cases, loan sharks have been known to resort to the most extreme methods to enforce repayment from borrowers. This has involved victims being subject to intimidation, threats, and violence, leaving many frightened to leave their own home.

The England Illegal Money Lending Team (IMLT) can help people who have been a victim of a loan shark. The national team are a law enforcement agency who work with local Trading Standards authorities across the country to investigate and prosecute illegal money lending and related offences.

Loan sharks

The team have previously prosecuted loan sharks for other forms of criminality, including drug offences, kidnap and even rape.



The 50-strong team are made up of Investigators who work endlessly to bring loan sharks to justice and LIAISE officers who protect and support victims, and work with several partner agencies to raise general awareness of the issue.

Residents are urged to never borrow money from someone if they:

- Have been provided with no or very little paperwork on loans.
- Have had debts randomly increase or have had additional amounts added to a loan unexpectedly.
- Have personal items taken as security on a loan (passport, driving license, bank cards)
- Have been subject to intimidation and threats by the money lender.

Residents can check if someone is authorised to lend money by visiting the Financial Conduct Authority's website and searching for a company, person, or postcode through their register.

To get help with debt and budgeting, visit your local Citizens Advice Bureau. If you need a cash loan or would like to open a savings account in preparation for Christmas, visit <https://www.findyourcreditunion.co.uk/> to find your nearest credit union.

The message is clear- what may seem like a small loan to tide people over, could end up costing them well into the New Year and beyond. The effect is not just financial; the impact on the lives of victims and their families can be horrific.

Sales of House Coal & Wet Wood



New laws were introduced in May 2021 with a view to phase out the sale of the most polluting fuels that we burn on our stoves and open fires.

The change affects the sales of wood fuel, coal, and other solid fuels for use in household fires and will help to address issues that affect climate change, air pollution, and will improve air quality.

The Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020 now provides that:

- **Sales of bagged traditional house coal and wet wood in units under 2m³ unlawful.**
- **Wet wood in larger volumes must be sold with advice on how to dry it before burning.**
- **All manufactured solid fuels must now have a low sulphur content and only emit a small amount of smoke.**
- **In addition, a new certification scheme will see products certified and labelled by suppliers to ensure that they can be easily identified, and retail outlets will only be able to sell fuel that is accompanied by the correct label.**

Trading Standards Officers are currently engaged in a programme of inspections targeting those businesses in Newcastle involved with the supplies of House Coal and Wet Wood. For further related guidance go to <https://www.gov.uk/guidance/domestic-solid-fuels-rules-for-local-authorities-in-england>

Tenant Fees Act 2019

The Tenant Fees Act 2019 sets out the approach to banning letting fees paid by tenants in the private rented sector and capping tenancy deposits in England.

The aim of the Act is to reduce the costs that tenants can face at the outset, and throughout, a tenancy, and is part of a wider package of measures aimed at rebalancing the relationship between tenants and landlords. Tenants will be able to see at glance, what a given property will cost them in the advertised rent with no hidden costs. The party that contracts the service- the landlord - will be responsible for paying for the service, which will help to ensure that the fees charged reflect the costs of the services provided.

For more details, and guidance for both tenants and landlords, please go to <https://www.newcastle.gov.uk/services/business-and-commerce/business-commerce/trading-standards/fair-trading/guidance-private> or email tradingstandards@newcastle.gov.uk to report any concerns you may have.

Doorstep Crime

Doorstep crime refers to rogue traders, bogus callers, and distraction burglary. This type of crime will often start with a trader at your door offering to provide a service or in some cases goods such as household products or fish.

Whilst we can have genuine callers at our doors, there are also those that aim to exploit people in their homes. This type of crime includes people that knock on your door and then go on to offer fraudulent services, being overcharged for services, as well as false use of logos or ID that appear to be genuine.

The general advice is NEVER to deal with traders calling at your home. If you are looking to get some work carried out to your home always talk to friends and family or trusted people for recommendations.

If you do happen to agree to have work undertaken from someone calling at your home, you should receive information of how to cancel the contract. For contracts undertaken in your home, you have 14 days to cancel. You may be asked to sign a waiver so that work can be undertaken within the 14 days. Do not agree to the work being undertaken before the 14 days as this law was specifically introduced to protect people feeling under pressure in their own home.



Friends Against Scams

Friends Against Scams is a National Trading Standards Scams Team initiative, which aims to protect and prevent people from becoming victims of scams by empowering people to take a stand against scams.

Becoming a Friend will equip you with more understanding about the different types of scams and how to report them. If you would like to become a Friend Against Scams, the session can be taken in several ways: an eight-minute video, a British Sign Language interpreted video, an interactive online session, or request an in-person session for groups.

To find out more please visit www.friendsagainstscams.org.uk.

Allergens and Natasha's Law

The UK Food Information Amendment, also known as Natasha's Law, came into effect on the 1st of October 2021 and requires food businesses to provide full ingredient lists and allergen labelling on foods pre-packaged for direct sale on the premises. The legislation was introduced to protect allergy sufferers and give them confidence in the food they buy.

This amendment was brought about thanks to the actions of a lobbying group lead by the parents of Natasha Ednan-Laperouse, the teenager who died after suffering an allergic reaction to an undeclared ingredient in a prepacked meal. Due to their efforts, the government confirmed that stronger laws would be implemented to protect those with food allergies and give them greater confidence in the food they buy.

According to the new rules, PPDS (Prepacked for Direct Sale) food must clearly display the following information on the packaging:

- Name of the food.
- Full ingredients list, with allergenic ingredients emphasised (for example in bold, italics or a different colour).

Prepacked for direct sale or PPDS is food that is packaged at the same place it is offered or sold to consumers and is in this packaging before it is ordered or selected. It can include food that consumers select themselves (e.g., from a display unit), as well as products kept behind a counter and some food sold at mobile or temporary outlets.

The change to labelling requirements does not apply to PPDS food sold by means of distance selling, such as food that can be purchased over the phone or on the internet. Businesses selling PPDS food this way will need to ensure that mandatory allergen information is available to the consumer before they purchase the product and also at the moment of delivery.

You must provide allergen information:

- before the purchase of the food is completed - this can be in writing (on a website, catalogue, or menu) or orally (by phone)
- when the food is delivered - this can be in writing (allergen stickers on food or an enclosed copy of a menu) or orally (by phone)

Allergen information should be available to a customer in written form at a point between a customer placing the order and taking delivery of it.

Takeaway meals should be labelled clearly so customers know which dishes are suitable for those with an allergy.

Please report any concerns in respect of allergens to the Food Safety Team on 0191 2787878 or email psr@newcastle.gov.uk.

Animal Licensing

On the 1 October 2018 the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force.

The new Regulations provide for the licensing of anyone involved in selling animals as pets, proving, or arranging for the boarding of cats, hiring out horses, breeding dogs and keeping or training animals for exhibition.



The City Council is the licensing authority for the new legislation, which has replaced the previous registration under the Performing Animals (Regulation) Act 1925, or a licence under the Pet Animals Act 1951, the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 or the Breeding of Dogs Act 1973.

If any business requires further advice on this important legislative change, please contact the Trading Standards at tradingstandards@newcastle.gov.uk

Offensive Weapons Act 2019

The main provisions of the Offensive Weapons Act 2019 commenced on the 6 April 2022 and include new legislative measures to control the sale of knives and corrosive products, and it introduces new offences relating to their possession and use.

The Act creates a new criminal offence of selling a corrosive product to a person under the age of 18. The substances and concentration levels that constitute corrosive products for this purpose are set out in Schedule 1 of the Act. The Act contains a delegated power to amend the Schedule to add, remove or modify substances and concentration levels as required.

The Act provides defences that can apply to the offence of selling bladed articles to under 18s, in the case of the remote sales. Remote sales include online sales, mail-order or over the phone sales. The defence requires proof that the seller took all reasonable precautions and exercised due diligence to avoid committing the offence of selling to an under 18 offence. To rely on the defence, as a minimum, all of the conditions set out in section 35 of the Act must be met.

The Act provides defences to the offences of delivering, or arranging delivery of, a bladed product to residential premises or to a locker and the offence of delivering bladed products to an under 18 at residential premises unless the seller meets certain conditions (had procedures in place which were likely to ensure that any bladed product would be delivered into the hands of someone over 18 and took all reasonable precautions and exercised all due diligence, to ensure the product was delivered to someone over 18, or the product was designed, manufactured, adapted for the buyer in accordance with their specifications or if the products was for sporting purposes or historical re-enactment). The term “bladed product” is a new term introduced in the Act and is intended to cover a subset of bladed articles and it means an article with a blade that is capable of causing a serious injury to a person which involves cutting that person’s skin.

Where the seller is based outside of the UK, the delivery of a bladed product to a person under 18 is a criminal offence for the delivery company that delivers the product on behalf of the overseas seller. There are defences to this offence where the delivery company takes all reasonable precautions and exercises all due diligence to avoid delivering the bladed product into the hands of a person under 18.

The Primary Authority scheme, that applies to Trading Standard Authorities, has been extended to cover the sale, delivery etc of knives (including bladed articles and bladed products), corrosive products and other offensive weapons.

For further guidance go to: <https://www.gov.uk/government/publications/the-offensive-weapons-act-2019/statutory-guidance-offensive-weapons-act-2019-accessible-version>

Single-use plastics ban: plates, bowls, trays, containers, cutlery and balloon sticks



Businesses must no longer supply, sell or offer certain single-use plastic items in England.

The ban on these items includes:

- **online and over-the-counter sales and supply**
- **items from new and existing stock**
- **all types of single-use plastic, including biodegradable, compostable and recycled.**
- **items wholly or partly made from plastic, including coating or lining.**

‘Single use’ means the item is meant to be used only once for its original purpose.

There are some exemptions to the ban, depending on the item.

Plates, bowls and trays

Businesses must not supply single-use plastic plates, trays and bowls to members of the public.

Exemptions

Businesses can still supply single-use plastic plates, bowls and trays if either of the following apply:

Single-use plastics ban: plates, bowls, trays, containers, cutlery and balloon sticks

- Businesses are supplying them to another business.
- the items are packaging (pre-filled or filled at the point of sale)

Examples of this type of packaging include:

- a pre-filled salad bowl or ready meal packaged in a tray.
- a plate filled at the counter of a takeaway.
- a tray used to deliver food.

Cutlery and balloon sticks

Businesses must not supply single-use plastic cutlery or balloon sticks.

There are no exemptions to this ban.

Polystyrene food and drink containers

Businesses must not supply ready-to-consume food and drink in polystyrene containers. This includes in polystyrene cups.

Polystyrene means expanded and extruded polystyrene.

Exemptions

Businesses can still supply food or drink in polystyrene containers if it needs further preparation before it is consumed. For example, further preparation could mean:

- adding water
- microwaving
- toasting

Inspections

Local authorities will carry out inspections to make sure the rules are being followed.

Inspectors can:

- visit a shop or store.
- make test purchases.
- speak to staff.
- ask to see records.

More details about the legislation can be found on the Government website at:

<https://www.gov.uk/guidance/single-use-plastics-ban-plates-bowls-trays-containers-cutlery-and-balloon-sticks>

Minimum Energy Efficiency Standards

What is MEES?

Minimum energy efficiency standards (MEES) aim to make private rented homes warmer and cheaper to heat.

Landlords must provide an EPC for any home they rent and if the rating is too low, they might need to improve the property to make it more energy efficient.

What is an EPC?

An energy performance certificate (EPC) is needed whenever a property is built, sold, or rented.

When you view a property, a landlord should provide you a copy of the EPC.

An EPC will tell you:

- about a property's energy use and typical energy costs
- how to reduce energy use and save money

An EPC gives a property an energy efficiency rating from A (most efficient) to a G (least efficient) and is valid for 10 years. It will let you decide about how much the property is likely to cost to heat and help you decide where to live.

Domestic minimum energy efficiency standards (MEES) set out the lowest energy efficiency level for private rented homes.

They were introduced to improve the quality of buildings in England and Wales and to increase the energy efficiency of the worst performing homes.

They mean that it is unlawful to let homes to new tenants, or renew an existing tenancy, when the energy performance certificate (EPC) is below an E rating.

Landlords who fail to comply with the legislation can face a hefty financial penalty.

Report a property.

If you rent a property that does not have an EPC or has a failing EPC (and the landlord has not provided an exemption) you can report this to

epc@newcastle.gov.uk

Non domestic/Commercial properties

Landlords and agents of commercial property must make sure that a minimum EPC rating of E is in place for new tenancies.

An EPC rating of E is now needed for all existing leases.

It is now unlawful for a landlord to continue to let a commercial property with an EPC rating of less than E.

More details about the legislation can be found on the Government website at:

<https://www.gov.uk/energy-performance-certificate-commercial-property>

Leasehold Reform (Ground Rent) Act 2022



On the 30 June 2022 the Leasehold Reform (Ground Rent) Act 2022 came into force.

Landlords of regulated leases must not require a leaseholder to make a payment of prohibited rent.

The peppercorn limit generally only applies to new residential leases that were granted after commencement of the Act, that is leases granted on or after 30 June 2022. If a consumer bought a new (regulated) lease after this date, they will not be faced with financial demands for ground rent.

Ground Rent is a property industry term given to a rent that is usually paid annually by owners of residential long leases to their landlord. Long leases (those exceeding 21 years) frequently require a leaseholder to pay an annual ground rent, often hundreds of pounds a year, for which the landlord does not have to provide a clear service in return.

For more detailed information go to: <https://www.gov.uk/guidance/leasehold-reform-ground-rent-act-2022>

Energy Drinks Voluntary Ban

There has been a great deal of publicity, on the fact that national retailers have agreed to voluntarily ban the sale of energy drinks to customers under 16 years of age.

A previous Government in a Consultation proposed new laws to limit the sale of energy drinks amid continuing concern over the health implications of their consumption by children. The consultation sought views on what products should be included in any restrictions, what age limit a ban should apply to, whether sales of energy drinks from vending machines should be restricted, and whether there are any changes that would be more appropriate than a ban on sales to children or that could be applied as well as a ban.

The Consultation was put forward in response to strong calls from parents, health professionals, teachers and some industry bodies and retailers for an end to sales of high-caffeine energy drinks to children.

Energy drinks are soft drinks that contain high levels of caffeine than other soft drinks and may also contain a lot of sugar. Evidence suggests that excessive consumption of energy drinks by children is linked to negative health outcomes, such as headaches, sleeping problems, irritation and tiredness.

The City Council has therefore now requested retailers in Newcastle, that may be stocking and selling high-caffeine energy drinks; that they show their support for a voluntary ban in Newcastle, and they can do this by the display of a poster, copies of which have been sent out to retailers. Under the voluntary ban in Newcastle, retailers agree not to sell to under 16's any of their products that can be classed as high-caffeine energy drinks.

If retailers are advised that if they are not sure of the customer's age and they appear to be under 16, they should ask for proof of age. If the customer is under 16, they then should refuse the sale.

Please contact us directly if you have not received your copy of the poster. A copy can be downloaded at: <https://www.newcastle.gov.uk/services/business-and-commerce/business-commerce/trading-standards/campaigns/sale-energy-drinks>

Consumer advice

If you buy something from a shop or agree for a person or business to do some work for you, the law gives you certain consumer rights. These are there to protect you from being treated unfairly by a trader or when things go wrong with your purchase.

For example, you may have had a poor standard of work from a builder, if you have having problem switching energy suppliers, or if a shop is refusing to take back a faulty product. In these instances, the **Citizens Advice Consumer Service** provide the residents of Newcastle upon Tyne with advice and assistance on the behalf of Trading Standards. You can contact them by telephone on 0808 2231133 or by visiting their website at www.adviceguide.org, which contains guidance on the likes of purchasing a vehicle, problems with furniture, or buying goods over the internet. If for example a trader is found to be persistently misleading consumers, or fraudulently trading, the information is then referred to Trading Standards who will undertake a full criminal investigation.

Newcastle upon Tyne Citizens Advice also provides an advice service on consumer issues, debt, housing, employment, and benefits, amongst others. They can be found at 4th Floor, City Library, Charles Avison Building, 33 New Bridge Street West, Newcastle upon Tyne, NE1 8AX, or can be contacted on 0344 245 1288. Newcastle upon Tyne Citizens Advice have a website www.citizensadvice-newcastle.org.uk and a contact email of citycab@newcastlecab.org.uk

The **Northumbria University Student Law Office** offers free legal service to members of the public facing a range of legal issues. The service is provided by students who are supervised by qualified professional lawyers from the School of Law staff. The law office deals with over 800 cases annually and have successfully concluded several high-profile cases. They can be contacted by telephone on 0191 227 3909 or by email at la.studentlawoffice@northumbria.ac.uk Please note this service is available during term time only.

Consumer champion **Which?** have a website which.co.uk that provides free resources on consumer issues and several buying guides and reviews to help consumers how to get the best value for money or provide assistance when problems have occurred. Some of this information may be available by way of their subscription service.

For more information on how to contact Trading Standards

tradingstandards@newcastle.gov.uk

Animal Health and Citizens Advice Consumer Service 0808 2231133

Report crime online anonymously at www.newcastle.gov.uk/tradingstandards

If you need this information in another format, please email Trading Standards at tradingstandards@newcastle.gov.uk.