

TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE AGENDA

Thursday, 13 February 2020 at 10.00 am in the Whickham Room - Civic Centre

From the Chief Executive, Sheena Ramsey

| Item | Business |
|----------|--|
| 1 | Apologies for Absence |
| 2 | Minutes (Pages 3 - 8) The Joint Committee is asked to approve as a correct record the minutes of the previous meeting. |
| 3 | Report and Statistical Return for the Period Ending January 2020 (Pages 9 - 10) Report of the Strategic Director, Communities and Environment, Gateshead Council |
| 4 | Revenue Estimates 2020/21 (Pages 11 - 14) Report of the Strategic Director, Corporate Resources |
| 5 | Local Authority Update 2020 (Pages 15 - 22) Report of the Service Director, Economy, Innovation and Growth |
| 6 | House of Commons Petitions Committee - Fireworks October 2019 (Pages 23 - 26) Report of the Service Director, Economy, Innovation and Growth |
| 7 | Keep it Out Campaign 2020 and Illegal Tobacco Enforcement Work (Pages 27 - 30) Report of the Service Director, Economy, Innovation and Growth |
| 8 | Which? Policy Paper: Online Marketplaces and Product Safety, November 2019 (Pages 31 - 34) Report of the Service Director, Economy, Innovation and Growth |

Contact: Sonia Stewart, Tel: 0191 433 3045, Date: Thursday, 6 February 2020

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GATESHEAD METROPOLITAN BOROUGH COUNCIL

TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE MEETING

Thursday, 7 November 2019

PRESENT: Councillor K Dodds (Chair)

Councillors: J Fletcher, T Graham, I Patterson, C Burdis, Stirling,
S Graham, S Dean, J Blackburn, A Wilson, LWright and
M Lowson

TW12 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following:

| | |
|--------------------|-------------------------|
| Councillor Kemp | Newcastle City Council |
| Councillor Lower | Newcastle City Council |
| Councillor Waller | Sunderland City Council |
| Councillor Johnson | North Tyneside Council |
| Councillor Dixon | South Tyneside Council |
| Councillor Foy | Gateshead Council |

RESOLVED - That the apologies be noted.

TW13 MINUTES

RESOLVED - That the minutes of the meeting held on 27 June 2019 be approved.

The Chair advised that the House of Commons Petitions Committee had produced a report about the number of fireworks petitions which have been submitted to Government. It was agreed this would be circulated to members following the Committee.

The Chair also advised that he had received the latest statistics from the Tyne and Wear Fire and Rescue Authority which reported issues around fires on the recent bonfire period. He advised the Committee that this would also be circulated.

TW14 REPORT AND STATISTICAL RETURN FOR THE QUARTER ENDING SEPTEMBER 2019

The Joint Committee received an update report on the work of the Metrology Laboratory for the period ending September 2019.

RESOLVED - That the information contained within the report be noted.

TW15 PROJECTED OUTTURN AS AT 30 SEPTEMBER 2019

The Committee received a report on the projected outturn at end of September 2019. It is anticipated that there should be an indication of the final figures at the

February meeting.

RESOLVED - That the information contained within the report be noted.

TW16

REGULATION OF PROPERTY AGENTS WORKING GROUP FINAL REPORT JULY 2019

The Committee received a report on the publication of the Final Report on the Regulation of Property Agents Working Group in July 2019.

In October 2018 the Minister for Housing and Homelessness announced that a working group would be established to help Government develop the details of its proposal for a new approach to the regulation of property agents.

The working group under the leadership of the Chair, Lord Best, began meeting in November 2018 and formally met a total of eight times. They have also conducted four sub-group sessions. For each of these they invited oral and written representations from a wide range of stakeholders.

The Government has proposed that property agents be regulated by an independent regulator, with mandatory qualifications and a code of practice. The Best Working Group in its final report published in July 2019 agreed that a new approach is needed. Regulation will provide the opportunity to prevent bad practice and drive cultural change within the industry. The approach is in several parts, including proposals for:

- The scope of a new system of regulation
- A new licensing regime
- A framework for codes of practice
- Mandatory qualifications
- Transparency and the use of leasehold and freehold charges
- The set-up, functions and relationships of a new regulator
- Assurance and enforcement under the new system

The Best Working Group recommends that the new regulator should have a range of options for enforcement action according to the seriousness of the infringement and how regularly it has occurred. These options should range from agreeing remedial actions and issuing warnings up to the revocation of licences and prosecutions for unlicensed practice.

The new regulator and other bodies (such as trading standards and redress schemes) will need to share information and work together effectively. There should be a system of flexible working between the new regulator and trading standards teams, and the new regulator should set out guidance clarifying their own and trading standards' roles with regards to enforcement action to avoid duplication.

RESOLVED - That the information contained within the report be noted.

TW17 UPDATE ON RESPONSE TO ROGUE DOOR TO DOOR FISH SELLERS

The Committee received an update report on the regional response to the important issue of Rogue Door to Door Fish Sellers.

One of the most identifiable issues related to doorstep crime for Trading Standards, Environmental Health and the Police is the illegal activities of certain rogue individuals, going door to door targeting the most vulnerable and selling quantities of fish. The customer does not always know how the fish have been stored and whether they are safe to eat. These businesses commonly use non-refrigerated vans and there could well be issues with labelling, quality and descriptions of the fish. There have been concerns that the traders may pressurise residents to buy more than they actually need.

In April 2019 at Teesside Crown Court, a fish salesman who used high-pressure sales techniques to dump bags of smelly seafood on elderly customers was sent to prison. He preyed on the elderly and the vulnerable to sell them “excessive quantities of fish” enough to fill a 6ft freezer in one case. Customers felt upset, embarrassed, ripped off and anxious and were blaming themselves.

Victims of a dodgy fish salesman who dumped bags of smelly seafood on elderly customers are to be given compensation.

Another fish seller appeared in Newcastle County Court having travelled the country selling fish door to door using a variety of business names would pass off frozen fish as fresh, deliver excessive quantities of fish before charging an extortionately high price, operate an erratic pricing structure to exploit victims’ vulnerability, obtain higher payments through a card machine without consumers realising by obscuring the total or tilting the card machine away from the customer.

He was sentenced to a 20 week custodial sentence, suspended for 18 months, at Newcastle Crown Court and ordered to pay £2,624.70 in compensation which will cover the monies lost by all seven victims involved in the case. He has also been issued with a criminal behaviour order that prohibits him from selling fish and making unsolicited calls at peoples’ homes for the next five years and will have to complete 180 hours of unpaid work.

RESOLVED - That the information contained within the report be noted.

TW18 NICOTINE INHALING PRODUCTS

The Committee received an update on a follow up project supported by the Department of Health and Social Care (DHSC), delivered and managed by Chartered Trading Standards Institute (CTSI). Its’ purpose is to assess compliance with the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015.

The Regulations came into force on 1 October 2015 and created a new offence for the supply of a nicotine inhaling product (including E cigarettes and associated products) such as refills that contain nicotine) to a young person under the age of 18

years.

The DHSC has agreed to support each trading standards region in the conduct of a total 50 test purchase attempts – 450 across England.

Officers will prioritise businesses that had made illegal sales in the recent past. Regional coordinators have allocated the tests namely 7 per local authority. Any “spares” will be offered to other regions on first come first served basis. Financial support is available at £40 per test. There is no additional funding for the purchase of products. It is acknowledged that the fee does not reflect the complexity of the operation. However, it is a contribution towards the costs.

Tests will be carried out using a young person under the age of 18 years, preferably aged between 16 and 17 years. In most cases it is expected that the test purchaser will be able to either select the product themselves or request it by point to a product or they can, for example, ask “what can I buy for £10”. If the retailer offers the young person, the opportunity to try the products this will be refused.

The tests will be carried out between October and December 2019 and regional collated data is to be returned to the CTSI by 17 January 2020.

RESOLVED - That the information contained within the report be noted.

TW19

RESPONSE ON THE CONSULTATION OF THE POST IMPLEMENTATION REVIEW OF TOBACCO LEGISLATION

The Committee received a report on the regional response provided to the Department of Health and Social Care’s consultation on the Post Implementation Review of Tobacco Legislation.

The consultation asked a number of questions in relation to The Tobacco Advertising and Promotion (Display) (England) Regulations 2010.

The questions were around whether the regulations had encouraged people to quit smoking, whether they had discouraged young people from taking up smoking and whether it has encouraged and supported adults to quit smoking.

The regional response has been positive about the impact of the regulations and it is felt that they have contributed to a reduction in smoking and the uptake of smoking in children and young adults.

The primary gain from implementation of this regulation is that it is clear to whom the products can be sold, that is over 18s. It is a good start to the development of a more effective regulatory framework for nicotine which needs to be place within the broader context of encouraging smokers to quit using tobacco products.

RESOLVED - That the information contained within the report be noted.

TW20 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED - That the press and public be excluded from the meeting during consideration of the next item in accordance with Paragraph 3 of Schedule 12A of the Local Government Act 1972.

TW21 METROLOGY LABORATORY UPDATE

The Committee received a report on the current position with the progress of the business plan.

The preferred option for moving things forward with the business plan is to create another UKAS mass lab in place of the current chemical lab. Currently there are officers skilled up to carry out the calibration work, however, the current space and set up can create a bottle neck of work. A better use of space would allow capacity to be increase and ensure a quicker turnaround time for the clients, this should in turn increase revenue generated.

Gateshead Council's Design Service have been consulted and will provide a quote for this work. It may be possible that Gateshead Council could have access to capital funding which would contribute towards the cost of some of the building work and a meeting has been arranged to discuss this further with legal services.

The laboratory has also undergone some internal inspections by Gateshead Council in relation to routine monitoring for health and safety. The majority of the work needs to be done in the laboratories which will be converted so it would be more convenient and more cost effective if this work was progressed with the conversion.

There is some substantial work which is needed to bring the laboratory into compliance. Officers will explore whether capital funding or grant money can be obtained to contribute towards the overall cost.

RESOLVED - That the information contained within the report be noted.

Chair.....

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**Report to the Tyne and Wear Trading
Standards Joint Committee**

13 February 2020

**Metrology Laboratory Report for the Period
Ending January 2020**

**Anneliese Hutchinson, Service Director, Economy, Innovation and Growth,
Gateshead Council**

Purpose of the report

To inform the Committee of the work of the Joint Metrology Laboratory for the period and operational duties to present.

Metrology Laboratory

Operational

1. The laboratory continues to support the five authorities of the Tyne and Wear region offering specialist services, equipment and personnel for various trading standards activities not just metrology.
2. Training in metrology for trading standards candidates is being conducted this week and there are seven candidates being prepared for the professional examination to be held in May.
3. One member of staff is taking early retirement at the end of March and his role will need to be filled. This retirement is another alteration to the business plan as his experience will be missed and will be difficult to replace, in that, the chemical testing ability will be lost.
4. The laboratory continues to be used as a daily collection point by Environmental Health and the Port Authority for delivery to the public analyst.

Aid and Advice to Industry

5. Local weighing machine repairers, chemical, pharmaceutical and aeronautical companies continue to submit their test weights, scales and length measures for calibration and equipment hired.

EC Verifications

6. During this period, due to the uncertainty created by Brexit the laboratory has not undertaken any EC Verifications. The status of the Tyne & Wear as a Notified Body is an unknown quantity if we leave the EU deal less.

UKAS Calibrations

7. Weights continue to be submitted for calibration and issue of UKAS Calibration Certificates and we are rapidly approaching certificate number 10,000.
8. The laboratory is being audited twice by UKAS in February and will report to the next committee on the results of those audits.

Consumer Safety

9. The laboratory has tested various samples with the most interesting samples being a disability scooter which actually failed as its speed was in excess of that permitted. There are currently ladders being tested for stability and robustness.

Electrical Safety

10. Samples have been submitted by the various authorities and a number of problems have been found.

Cigarette Samples

11. Samples of cigarettes were submitted to the laboratory for reduced ignition propensity testing and were found to be non-compliant with legislation, reports and witness statements were prepared for many authorities outside the Tyne & Wear region. Of the 29 samples submitted within the period there were no passes and this remains a concern nationally for fire safety.

National Agenda

12. The laboratory is still very involved within the competency framework for trading standards officers and expertise, not only with the aforementioned training course, involved with the examination process and moderation of the examinations.

New Functions

13. The laboratory is currently awaiting an extension to scope for its UKAS activities to cover weighing instruments, calibration of glass contents measures and 50 kg weights. These extensions will enable the lab to offer a wider service and to be able to compete for new contracts. The accommodation is suitable to provide these services.

Recommendation

14. The Committee is asked to note the information contained in the report.

Contact: Andrew Hayward, Gateshead Council on 0191 4784550 or email andrewhayward@gateshead.gov.uk



**Report to the Tyne and Wear Trading
Standards Joint Committee**

13 February 2020

Revenue Estimates 2020/21

Darren Collins, Strategic Director, Corporate Resources, Gateshead Council

Purpose of Report

1. This report considers the budget estimates for 2020/21 as set out in Appendix 1.

Background

2. The proposed budget for 2020/21 is set out in Appendix 1. For reference, the projected outturn for 2019/20 has also been included.
3. The salary estimate includes a pay increase of 0%. It has also been assumed that current increased income levels will be maintained.

Recommendation

4. It is recommended that the following is approved by the Committee:
 - The latest estimate of £360,764 as set out in Appendix 1

Contact: Jeremy Craxford ext. 2727

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Appendix 1

| | Projected Outturn 19/20 | Budget 19/20 | Budget 20/21 | Notes |
|---------------------------------|-------------------------------|-----------------|-----------------|--------------------------------------|
| INCOME | | | | |
| Fees & Charges | -138,969 | -120,337 | -132,895 | |
| S.11 Stamping Fees | -3,855 | -9,000 | -9,000 | |
| Levy on Constituent Authorities | -218,869 | -218,869 | -218,869 | See Analysis Below |
| | <u>-361,694</u> | <u>-348,206</u> | <u>-360,764</u> | |
| EMPLOYEES | | | | |
| Direct Pay | 236,404 | 222,824 | 236,873 | 1 x Grade L Manager |
| Indirect Pay | 0 | 1,142 | 1,142 | 3 x Grade H Technical Officers |
| | <u>236,404</u> | <u>223,966</u> | <u>238,015</u> | 1 x Grade D Technical Assistant |
| | | | | 0.73 Grade B/C Clerical Assistant |
| PREMISES | | | | |
| Repairs & Maintenance | 14,882 | 7,670 | 7,570 | |
| Utilities | 14,391 | 14,393 | 14,669 | |
| Rent | 5,514 | 4,160 | 4,160 | |
| Rates | 8,470 | 8,400 | 8,400 | |
| | <u>43,256</u> | <u>34,623</u> | <u>34,799</u> | |
| TRANSPORT | | | | |
| Car Allowances | 100 | 400 | 400 | |
| Vehicle Running Costs | 1,319 | 940 | 940 | |
| | <u>1,419</u> | <u>1,340</u> | <u>1,340</u> | |
| SUPPLIES & SERVICES | | | | |
| Furniture & Equipment | 18,286 | 33,500 | 28,000 | |
| UKAS Fees | 6,000 | 0 | 5,500 | |
| Printing & Stationery | 418 | 1,140 | 1,140 | |
| Insurance | 5,902 | 5,813 | 5,160 | |
| Postage | 1,621 | 800 | 800 | |
| Miscellaneous | 6,773 | 7,212 | 7,212 | |
| | <u>39,000</u> | <u>48,465</u> | <u>47,812</u> | |
| CENTRAL ADMIN | | | | |
| Met Lab Central Admin | 33,704 | 36,019 | 35,005 | Directorate £14k, Finance £12.3k, IT |
| | <u>33,704</u> | <u>36,019</u> | <u>35,005</u> | £3.5k, Other £6.2k |
| | <u>353,783</u> | <u>344,413</u> | <u>356,971</u> | |
| Net Expenditure | -7,911 | -3,793 | -3,793 | |
| JOINT COMMITTEE COSTS | | | | |
| Audit Fee | 3,793 | 3,793 | 3,793 | |
| | <u>3,793</u> | <u>3,793</u> | <u>3,793</u> | |
| | -4,118 | 0 | 0 | |
| <u>Contributions</u> | | | | |
| Gateshead | -39,663 | -39,663 | -39,663 | |
| Sunderland | -54,579 | -54,579 | -54,579 | |
| Newcastle | -55,504 | -55,504 | -55,504 | |
| South Tyneside | -29,344 | -29,344 | -29,344 | |
| North Tyneside | -39,779 | -39,779 | -39,779 | |
| | <u>-218,869</u> | <u>-218,869</u> | <u>-218,869</u> | |

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Agenda Item 5
Report to the Tyne and Wear Trading
Standards Joint Committee

13 February 2020

Local Authority Update 2020

**Anneliese Hutchinson, Service Director, Economy, Innovation and Growth,
Gateshead Council**

Purpose of the report

To update the Committee on the work of your local authority Trading Standards services over the last year.

Gateshead

Enforcement Order

1. The Service was successful in obtaining an Enforcement Order under the Enterprise Act 2002 in respect of a rogue business. The business agreed to carry out home improvement work over a period of time to residents across the region. He demanded payment upfront before any work would start or goods delivered. Clients paid the full amount due to feeling intimidated or pressured to do so. It is estimated that the consumers involved have lost in the region of £300,000.
2. Fortunately, the Court agreed that this business must be made to stop trading in this way. It was agreed at North Tyneside County Court in October 2019 that the business would be bound by an order of the Court. Further breaches are now being investigated and could see him fined or even imprisoned for the breach. There's an ongoing criminal investigation into the trading practices of this business. This is one of the first times that trading standards have used their civil powers in order to obtain an enforcement order without carrying out full consultation with the business beforehand.

Illegal Tobacco Products

3. There is ongoing work in relation to illegal tobacco sellers. More focus is on the retail outlets rather than tab houses. 2 closure notices have been in force at premises on Coatsworth Road where continuing antisocial behaviour was linked to the premises. These were closed by the authority for 3 months during which time, one premises surrendered their alcohol licence. The lottery terminal was also removed by Camelot following an underage sale of alcohol and the link with the illegal tobacco sales.
4. As an alternative to prosecution a tab house seller has signed an undertaking under the Enterprise Act 2002 to refrain from that behaviour in the future. They also paid £100 to Teenage Cancer Trust – a charity supported by the Gateshead Mayor. The decision not to prosecute was made due to the personal circumstances of the individual concerned and whether a prosecution in that case would fit with the Council's Thrive Agenda and our enforcement policy.

5. The tobacco enforcement work has seen just under 37,000 sticks and 7,850kg of hand rolling tobacco seized across Gateshead since April 2019.
6. A review of a premises licences saw the licence revoked by the Licensing Sub Committee where the Designated Premises Supervisor was found to be selling illegal tobacco on the premises.

Proceeds of Crime Work

7. Proceeds of crime work has continued with cash being detained and ongoing confiscation orders amounting to the region of £5000.

City of Newcastle upon Tyne

Illegal Tobacco Products

8. Work continues in support of the local tobacco alliance Smoke Free Newcastle and the regional tobacco office Fresh campaign “Keep It Out” to deliver on various enforcement targets related to the availability and supply of tobacco products. These targets include the advertising, marketing and sale of tobacco products. The one issue that has very much come to the fore, is the availability and sale of illegal tobacco products within some 15-20 premises spread across the city.
6. Officers continue to tackle the issue with targeted intelligence led raids, with the assistance of officers from Northumbria Police, HMRC and a tobacco dog team. These operations have led to the seizure of some 690,000 suspected illegal cigarettes and 84.5 KG’s of suspected hand rolling tobacco products in 2019. These seizures follow the seizure of some 806,000 suspected illegal cigarettes and 19 KG’s of suspected hand rolling tobacco products in 2018.
7. Beyond the prosecution and convictions of the individuals involved, officers have also utilised the reviews of various Premises Licences under the provisions of the Licensing Act 2003 and the formal closure of a problematic premises under the provisions of the Anti-Social Behaviour, Police and Crime Act 2014.



Minimum Energy Efficiency Standards

8. The authority was invited to take part with some 7 other local authorities, including Liverpool and Bristol in a pilot project for the Department for Business, Energy and Industrial Strategy around the enforcement of the legislation which impacts on the energy rating of both domestic and non-domestic premises and the provision of Energy Performance Certificates.
9. Minimum Energy Efficiency Standards (MEES) were introduced in 2011 and the legislation prohibits landlords from renting out F and G rated properties. Phase one of MEES came into force on the 1 April 2018. From April 2020 all existing tenancies will be held to the same legislative standard.
10. The legislation was introduced to improve the quality of private rented buildings in England and Wales and to increase the energy efficiency of the worst performing houses and buildings. In addition, the legislation aims to improve the comfort and conditions in private rented homes and reduce fuel poverty.
11. Similar requirements for the renting out of non-domestic buildings came into force on the 1 April 2018 for new lets and will be fully in force on the 1 April 2023, when all F and G rated properties will no longer be able to be rented out.
12. Some 45 visits have been undertaken by officers in January 2020 to letting agents within Newcastle to ensure full compliance with the various legislative requirements that are applicable to such businesses.
13. All this enforcement work supports the work to improve the standards of all housing in the city and fully supports the declaration of a Climate Emergency on the 3 April 2019, to make Newcastle carbon neutral by 2030.

Private Rented Sector

14. Officers in our Service continue to monitor the implementation of several legislative provisions which directly impact on our businesses and provide various protections to our residents in our very active private rented sector. We have responded to various complaints as received and promoted the legislative provisions with students at a Newcastle University Students Union event held in November 2019.
15. Some 45 visits have been undertaken by officers in January 2020 to letting agents within Newcastle to ensure full compliance with the various legislative requirements that are applicable to such businesses. It is pleasing to report that compliance levels within the sector are generally good.
16. These various legislative measures that we enforce include:
 - **Redress Schemes** - Businesses must join a redress scheme if they are:
 - an estate agent dealing with residential properties in the UK,
 - a letting agent or property manager in England or Wales,
 - If a consumer has a complaint about your service that cannot be resolved between yourselves, they can complain to the scheme.

Individuals and businesses can be fined up to £5000 and have their licence revoked if they do not join a redress scheme.

- **Tenancy Deposit Protection** - A landlord must put a deposit in government-backed tenancy deposit scheme (TDP) if they rent your home on an assured short-hold tenancy that started after 6 April 2007. In England and Wales, the deposit can be registered with one of three schemes. The schemes make sure that consumers get their deposit back if:
 - meet the terms of the tenancy agreement
 - don't damage the property
 - pay their rent and bills
 - The landlord must put the deposit in one of the schemes within 30 days of receiving it. At the end of the tenancy the landlord must return the deposit within 10 days of the agreement on how much the tenant will get back. If the tenant is in dispute with the landlord, then the deposit will be protected in the TDP scheme until the issue is sorted out.

Tenant Fees Act 2019

17. 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 Act came into force on the 1 June 2019.

18. 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.

Scams and Doorstep Crime

19. Following the work carried out in the city to protect all consumers including specifically the more vulnerable in our society a report on Scams and Doorstep Crime was presented to Cabinet on the 21 January 2019. The renewed emphasis in the work led to the following statement in the Newcastle Labour Party Manifesto in May 2019: *“Occasionally there are sickening stories in our local media highlighting the scams that have been carried out on vulnerable older people. We have already introduced a number of ‘no cold calling’ zones across Newcastle, where such scams are more likely to be tried, but we will continue to raise awareness about scams and pursue the perpetrators through Trading Standards” (2).*



L-R Nicola Diston, (Newcastle CAB), Councillor Nick Kemp (Cabinet Member for the Environment and Regulatory Services) and Neil Duffy (Newcastle CAB) in the Grainger Market Event Space on the 11 June 2019 for Scams Awareness Month.

20. The Trading Standards service has continued to deliver through various consultations with residents in 2020, on the implementation of new and expanded No Cold Calling Zones (NCCZ's) across the city. NCCZ's are set up aim to decrease doorstep crime incidents by specifying an area in which uninvited traders are not welcome. It can be a criminal offence for unwanted traders to come into the zone and the advice we offer provides residents the confidence to say 'no' when approached on their doorstep. We investigate why traders are operating within a NCCZ if they should not be. There are currently 65 NCCZ's implemented in Newcastle covering some 45,725 households.

North Tyneside

Knife Test Purchase Operation

21. In May 2019 a knife test purchase operation was conducted jointly with Northumbria Police. The main aim of the operation was to identify retailers of knives who may be selling knives to minors. It was pleasing to report that out of the ten premises only one of the retailers visited sold a knife to our volunteer.

22. This sale was dealt with by way of cautions to the seller and the owner of the business. Follow up work involves providing several retailers with advice on the steps they should implement to help prevent the sale of knives to minors.

Scam Health Supplements

23. In July a complaint led to an investigation into a local fulfilment house who was supplying health supplements to consumers nationally on behalf of several companies. Consumers were being charged large sums for these supplements. For example, one consumer had been invoiced £249.50 for 8 bottles of cinnamon. Charging such extortionate prices for goods is not automatically an offence, but the investigation revealed consumers were being targeted and groomed into buying health supplements by several different companies over a period of time.

24. Following advice, the fulfilment house ceased dealing with these companies thus disrupting their activities. The service also worked jointly with the national scam team to obtain a list of approximately 150 victims who had sent money off so they could be contacted and advised not to send any further money to these scammers.

Medical Weighing Equipment Project

25. In November the team, with support from the Tyne and Wear Metrology Laboratory, tested a sample of 23 weighing instruments used by North Tyneside Council's Children's Public Health Service (0-19). This was carried out as part of a national metrology project on medical weighing equipment used in places such as GP surgeries and hospitals.

26. The Children's Public Health Service includes health visitors, school nurses and community nursery nurses. Scales are used to monitor the development of babies and infants as well as weigh school children as part of the National Child Measurement Program.

27. One instrument was found to be outside the permitted tolerance and two other instruments had minor problems with them. The results of this exercise should provide confidence to North Tyneside parents that the equipment used by the Children's Public Health Service is accurate.

28. In April, as a follow-up to the testing, Trading Standards will provide refresher training on good weighing practice to members Children's Public Health Service (0-19).

South Tyneside

No Cold Calling Zones (NCCZ's)

29. The Service is committed to protecting residents from being taken advantage of by rogue traders and from feeling pressurised on their doorsteps to make decisions that they may not otherwise make. A large part of their work is focused on prevention and establishing an NCCZ is central to this.

30. The sixteenth NCCZ in Hebburn, was launched recently with signage being erected in the vicinity of the properties to hopefully deter cold callers. Each resident receives an information pack which includes a useful sticker for their door.

31. Evaluation of each 'zone' is useful and has been extremely positive for example 96% of respondents have indicated the information pack made them feel more aware of doorstep crime and more confident in dealing with doorstep callers. Arguably the strongest measure is that 100% of respondents have indicated they feel safer since the introduction of the zones.

Friends Against Scams

32. The Council has recently registered with the National Trading Standards Scams Team as a 'Friends Against Scams Organisation.' This means that the Council is

committed to spreading the word about scam awareness amongst colleagues and residents with emphasis on reaching out to the most vulnerable in the borough.

33. Officers from the Service have been carrying out presentations to all Community Area Forum meetings and local groups, to highlight different types of scam, such as postal, telephone, email and text message as well as providing practical tips to combat doorstep crime. Those attending a presentation receive a certificate confirming that they are a 'Friend Against Scams.'

Fireworks

34. Every year in the weeks preceding Bonfire Night, Trading Standards Services across Tyne and Wear receive complaints regarding the sale of fireworks. The allegations relate to fireworks being sold outside of the three-week period prior to November 5th, underage sales, illegal storage, including domestic dwellings, and the safety of the fireworks themselves.
35. In South Tyneside, every retailer selling fireworks is subject to visits by the Service in partnership with the Tyne and Wear Fire and Rescue Service. This partnership approach has proved successful in driving home the key messages around safe and responsible retailing of fireworks.
36. As part of the visit businesses will be given advice and guidance to ensure they comply with the law in respect of age restrictions, storage of fireworks, display of statutory notices, as well as examination of the fireworks to ensure they are labelled in accordance with the legal requirements.

City of Sunderland

Launch of the Responsible Retailer scheme

37. This is a scheme that feeds into the Council's strategic plan and is designed to help reduce the issues connected with smoking and drinking alcohol. It is primarily aimed at addressing underage sales of relevant products and a voluntary commitment towards addressing the types of goods stocked and the marketing tools used. The first wave of the scheme will be rolled out with smaller shops, newsagents, and off licences. Retailers who sign up will be given comprehensive guidance materials that will support their business management. The scheme will be publicised through several channels upon its launched and will have a dedicated Facebook presence to act as an additional support mechanism for scheme members.

Illegal Alcohol Products

38. Several premises across the City have been found to be selling counterfeit yellowtail wine. The quantities found have not been significant in each case and the fake wine has consistently been found to be mixed in with the genuine article. The product hasn't been tested in relation to food safety requirements and there is no reason to suspect that this will be necessary. Enquiries are ongoing in each case and identification of the overall source of supply.

Test Purchasing

39. A programme of test purchases of age-restricted products began in Autumn 2019 and will continue to run for the foreseeable future. The first operation resulted in the sale of alcohol to our 15-year-old volunteer at “Courtney News” in Silksworth. The premises licence holder, Mr. Jinni Varkey, himself was responsible for the sale and has subsequently had the licence revoked as a result of a review hearing made by the Service.

Recommendation

40. The Committee is asked to note the information as contained within the report.

Contact: David Ellerington. City of Newcastle on (0191) 2116119 or email david.c.ellerington@newcastle.gov.uk

Report to the Tyne and Wear Trading Standards Joint Committee

13 February 2020

House of Commons Petitions Committee – Fireworks October 2019

**Anneliese Hutchinson, Service Director, Economy, Innovation and Growth,
Gateshead Council**

Purpose of the report

To update the Committee on the publication by the House of Commons Petitions Committee of a report on “Fireworks” in October 2019.

Summary

1. Fireworks have been a popular topic for e-petitions during the previous Parliament. Individuals and campaign groups used the e-petitions system to express a wide range of concerns, including noise from fireworks having serious detrimental effects on people and animals; misuse of fireworks and anti-social behaviour blighting local communities; and environmental issues.
2. The Petitions Committee (“the Committee”) scheduled three debates in Parliament on petitions relating to fireworks that had each gained more than 100,000-signatures. In total, petitions calling for tighter restrictions on the sale and use of fireworks by the general public have attracted around 750,000 signatures in three years. While the Government at the time expressed “empathy” for people and animals affected, it was clear it had no plans to change the law. The Government’s responses to these petitions, and Ministers’ replies to the debates, left petitioners feeling frustrated and ignored. The Committee undertook the inquiry to hear their concerns and propose changes in response to them.
3. The Committee looked closely at the proposal to ban sales and use of fireworks by the public but were not persuaded to recommend this drastic course of action at that time. There are valid concerns, backed up by evidence from overseas, that a ban could have unintended consequences. A ban would have a substantial economic effect, which would be most keenly felt by people who have built their livelihoods on the fireworks industry. A ban would likely have dire consequences for competently run, voluntary, community displays, which use fireworks to raise funds for local good causes. In many cases these community displays have widespread local support and increase community cohesion.
4. However, the enquiry found clear evidence that petitions calling for greater restrictions on sales and use of fireworks have been motivated by justified concerns. In many cases, there are substantial adverse effects, for example on people with a very wide range of health conditions and disabilities. There can be very distressing effects on people with Post-traumatic Stress Disorder, including military veterans. Animals can suffer serious and long-term effects. The

Committee took the view *“that it is not good enough for the Government to repeatedly claim that the law protects these people and animals from harm. It does not. We now expect action, rather than continued apathy”*.

5. Loud and high-pitched noises can adversely affect a large proportion of animals, whose hearing is often much more sensitive than humans'. The decibel level limit of consumer fireworks needs to be reconsidered, with animal welfare in mind, with a view to setting a workable reduced maximum decibel limit, that would diminish the risks to animals' health.
6. Inconsiderate or irresponsible use of fireworks can have appalling effects on people too, but the Committee was frustrated by the lack of official data on the extent and nature of the problems. Any rule about who can set off fireworks, and where and when they can be used, would be difficult to enforce because fireworks are inherently transient. A lack of enforceability is likely suppressing the number of complaints, meaning the real level of concern is under-reported. People must be enabled, and encouraged, to make their concerns known. There must be a coordinated effort led by the Government, across the relevant agencies, to establish a consistent approach to the collection and publication of Fireworks data about the types and extent of problems associated with fireworks.
7. Local authorities must be empowered to act where they deem it necessary in response to their residents' concerns. The Committee recommends that the Government work with local authorities to identify a best practice approach to a revenue-neutral, mandatory permit system for fireworks displays, where local evidence suggests this is necessary to protect the community. The Committee proposes that a scheme is piloted by the end of 2020.
8. The Committee took the view that it is imperative that consumer fireworks are only sold to the public through legitimate retailers with the appropriate licences and by staff with the appropriate level of training to advise customers about safe and responsible use. Government is encouraged to act quickly to close a potential loophole in the regulations around storage by retailers of up to 5kg of fireworks without a licence. It should also conduct a review of online sales of fireworks, particularly over social media, with a view to establishing a national, cross-agency strategy to tackle illegal online sales before October 2020.
9. Packaging of consumer fireworks in a way which may appeal to children creates a risk that children may be tempted to play or tamper with potentially dangerous products stored in the home. The Government should act swiftly to address this through new packaging Regulations as soon as possible, and no later than November 2020.
10. Inconsiderate and irresponsible use of fireworks should be considered as socially unacceptable as drink driving. There is very clear evidence that loud unexpected noise from fireworks has severe and distressing effects on people with a range of health conditions and disabilities, including military veterans and others suffering with Post-traumatic Stress Disorder (PTSD), children with autistic spectrum disorders and people with hyperacusis and other hearing conditions. If people are going to use fireworks, they must let their neighbours know in advance, so that people can take steps to protect themselves if they need to. The Committee took the view that Government must fund and

coordinate major, national awareness campaigns, from October 2020 and annually thereafter, on responsible use of fireworks to get this message across to the public.

11. The Committee concluded that *“Government has so far failed to act in response to legitimate concerns about fireworks expressed through the e-petitions system. People rightly expect the Government to listen to them, take their concerns seriously, and act. The Government’s response to this Report is its chance to finally do that”*.

Recommendation

12. The Committee is asked to note the information.

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Report to the Tyne and Wear Trading Standards Joint Committee

13th February 2020

Keep it Out Campaign 2020 and Illegal Tobacco Enforcement Work

**Anneliese Hutchinson, Service Director, Economy, Innovation and Growth,
Gateshead Council**

Purpose of the report

To update the Committee on the recent launch of the Keep It Out Campaign and illegal tobacco enforcement activity undertaken by Trading Standards services in Tyne and Wear.

Summary

1. 'Keep it Out' is a campaign that has ran for several years as a tool designed to target illegal tobacco supplies. It is developed and led by Fresh, an organisation based in County Durham whose remit is to deliver a variety of workstreams that seek to combat the high smoking related illness and death rate that is prevalent throughout the North East. All five Tyne and Wear authorities fund and support this work.
2. The latest wave of 'Keep it Out' was launched across the region on 20th January and is set to be the biggest yet. A widespread publicity campaign is currently being delivered, in conjunction with Trading Standards and other Council /public services that are engaged in local smoke-free partnerships.
3. The 2020 campaign is predominantly centred around the impact that illegal tobacco availability has on young people. The main headlines are that;
 - Illegal tobacco helps children to get hooked on smoking and thus continues the cycle of health-related issues currently seen.
 - Children find out through their peer group who is selling it in their locality and that it's sold at prices they can afford. The regulatory controls in place for legitimate tobacco are rendered ineffective.
 - Illegal sellers are unconcerned about who their market are. People wrongly believe that local sellers won't sell to children. The facts are that they often do.
 - The illegal tobacco trade is linked to criminals. Local suppliers are often involved in drugs and loan sharking. Buying it means supporting crime and can put children in contact with criminals.
4. Promotional materials for 'Keep it Out' take the form of drink mats, posters, retailer guides, public facing leaflets and a wallet guide for frontline professionals. Two versions of a radio advert will be heard for four weeks on three local stations – Hits North East (formerly Metro), Sun FM and Smooth. In all instances, a key concept is to educate and raise awareness of the negative

effect this trade has on children. The rationale is that by reducing people's comfort levels around sales and challenging any perception it is a victimless crime, more smokers will think twice about buying illicit tobacco and there is an increased chance that they will inform on local sales.

5. All publicity material features the contact details for how the general public can anonymously report illegal tobacco sources. Either an online reporting form at www.keep-it-out.co.uk or the illegal tobacco hotline (0300 999 0000) can be used.
6. Information received through the campaign is collated by Fresh and an intelligence package is distributed to the relevant Trading Standards services for appropriate action.
7. The success of 'Keep It Out' relies heavily upon the cooperation of all partners engaged in smoke-free alliances for the distribution of publicity materials. As Trading Standards have a critical role in enforcement of illegal tobacco sales, an active role must be taken with promotion of the campaign to enable intelligence led working.
8. In Tyne and Wear, Trading Standards services have used a number of approaches to achieve this. Common to all services is to work in partnership with colleagues in Public Health and Communications teams so as to maximise impact of coverage.
9. All authorities have given a localised angle to the mainstream press releases developed by Fresh. This has been delivered along with digital variants of the 'keep it out' material through social media pages, websites, staff/residential newsletters and on plasma screens in Council buildings and GP surgeries. A short video has been filmed in the Metrology Laboratory highlighting the 'Keep It Out' message. Whilst this has been led by Gateshead Trading Standards it was funded by Fresh and is being used across the whole of the campaign area.
10. Leaflets and posters have been delivered to retail premises, community centres, GP surgeries and Council buildings. Drink mats have also been given to licenced pubs and clubs across the area. In some areas, Keep It Out posters are displayed in transport interchange stations, including Metro Stations in Gateshead and Sunderland.
11. This has always been a very successful campaign that has enabled Trading Standards in Tyne and Wear to lead targeted enforcement exercises. In the last year, intelligence received has led to the seizure of more than 100,000 illegal cigarettes and over 15kg of hand rolling tobacco in Newcastle. The street value of this has been around £15,000 and a true retail value is £55,000. In Gateshead more than 60,000 'cheap whites' have recently been seized and just under 5 kg of hand rolling tobacco. Sunderland, North Tyneside and South Tyneside have also seized sizeable quantities.
12. Some of the work that has been carried out in the latter part of 2019 has been with the aid of BWY Canine Illegal Tobacco Unit Roadshow. This is a sniffer dog service that has enabled tobacco in retail premises in Sunderland, Gateshead and Newcastle to be found in coat pockets and in concealed areas, such as toilet units or specially constructed compartments within existing shelving. In

South Tyneside, use of the dogs also led to the discovery of more than £1200 worth of illegal tobacco in a vehicle parked in proximity to the retail premises. Further work with the Roadshow is planned for February 2020.

13. Recommendation

14. The Committee is asked to note the information as contained within the report and actively support the Keep it Out campaign.

Contact: Laura Brooks, Sunderland City Council on (0191) 561 1607 or email laura.brooks@sunderland.gov.uk

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Report to the Tyne and Wear Trading Standards Joint Committee

13 February 2020

Which? Policy Paper: Online Marketplaces and Product Safety, November 2019

Anneliese Hutchinson, Service Director, Economy, Innovation and Growth, Gateshead Council

Purpose of the report

To update the Committee on the publication by Which? of the Policy Paper entitled "Online Marketplaces and Product Safety" in November 2019.

Summary

1. Research and testing by Which? regularly finds large numbers of unsafe consumer products being sold via sellers on online marketplaces, ranging from smoke alarms to child car seats. Online marketplaces have become a common way for millions of shoppers to buy online from an expanding pool of global sellers: 9 in 10 (91%) people have bought consumer goods this way. Consumers value the lower prices and wide choice that these marketplaces can offer, but it is the view taken by Which? That consumer protections have failed to keep pace and fall short of more traditional retailers.
2. Many people assume that online marketplaces are responsible for ensuring that the products sold on their platforms are safe, removing unsafe products from sale and notifying customers when something goes wrong. But this is not the case – legally it is the sellers that consumers largely have to rely on to assure safety.
3. The survey carried out by Which? of online marketplace shoppers in September 2019, found that only 21% were aware that online marketplaces have no legal responsibility for overseeing product safety on their sites. Online marketplaces, which include Amazon Marketplace, Facebook Marketplace, eBay and wish.com, for example, are exempt from liability unless they are aware of illegal content. This leaves consumers vulnerable, particularly when many of the sellers and products originate outside the UK. 70% of marketplace users think the law needs changing so that marketplaces are legally responsible.
4. Some marketplaces have voluntary commitments and internal policies focused on product safety, but these are largely reactive, limited in scope and vary depending on the company. Which? Takes the view that this 'Wild West of product safety', requires a more proactive approach by the marketplaces and a robust response by regulators to meet consumers' expectations and ensure their safety.
5. Which? Takes the view that regulation is required to strengthen the legal responsibilities of online marketplaces and ensure that public authorities have

adequate powers, tools and resources to require action from marketplaces when consumers are put at risk. The organisation also takes the view that the voluntary nature of current checks by marketplaces fails to recognise their role as the primary interface for consumers with the technical, as well as commercial, ability to hold their suppliers to account for consumer safety.

6. Which? Takes the view that clearer government guidance is needed while this legislation is being drafted and implemented, in line with the Codes of Practice envisaged in the Online Harms White Paper.

Actions needed

Online marketplaces should be required to ensure that consumer products offered for sale by sellers on their sites are safe.

7. The general safety requirement, that applies to economic operators, including producers, importers and distributors (including retailers), in the General Product Safety Regulations 2005 (GPSR) and sector-specific product safety legislation should also apply to online marketplaces along with a defence if they exercised all due diligence.
8. As part of this, online marketplaces should enhance their checks before including sellers on their sites, so that evidence of compliance with safety requirements is a condition of their listing as well as ensuring that products and their manufacturer are clearly identifiable.
9. The limits on liability set out in the EU e-Commerce Directive and associated UK regulations need to be reviewed for product safety.
10. The safety requirement recently adopted by EU legislation for fulfilment service providers for sector-specific product safety legislation should be applied in the UK and extended to cover other consumer products that fall under the GPSR (e.g. textiles, clothing, furniture).
11. The requirement for manufacturers based outside of the EU to appoint an authorised representative with responsibility for compliance must also be extended to other high-risk products that fall under the GPSR – and continue in the UK after EU exit.

The actions that are required by online marketplaces when unsafe products are identified should be clarified.

12. Online marketplaces should be required to respond within 24 hours and remove unsafe products once they are identified (for example through the EU's RAPEX, other rapid alert systems or by consumer organisations).
13. Online marketplaces should also be required to inform consumers of safety issues and any action needed, to ensure that their suppliers carry out recalls effectively and to prevent recalled products from being listed again.

Enforcement officers should be equipped with appropriate powers, resources, investigatory skills and intelligence to police online marketplaces and platforms and the supply networks that underpin them.

14. The Office for Product Safety and Standards (OPSS), which should become an independent regulator, must take a lead on oversight of online marketplaces and co-ordinate action across relevant bodies, including Trading Standards, HMRC and postal services to ensure more effective border controls.
15. The UK must maintain and build strong and formalised links with enforcers in other countries to deal with non-compliant products being sold into the UK from online marketplaces based in other jurisdictions.
16. More generally, it needs to be easier for public enforcers to trace online traders so that they can intervene when needed. This should include an obligation for marketplaces to ensure that traders listed on their sites are registered as a business and to provide details to the OPSS or relevant local authority of the online seller.

There should be greater transparency obligations so that consumers are clear who they are buying from.

17. UK law should place a requirement on online marketplaces to make it clear to people whether they are buying from a trader, rather than another consumer, and implement recently adopted EU law that requires this after EU exit.
18. Online marketplaces that also trade directly with consumers as their own brand should make sure that it is clear to people when they are buying from a seller who is a different trader.

Recommendation

19. The Committee is asked to note the information as contained within the report.

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