

# ANNUAL REPORT OF THE CITY OF NEWCASTLE UPON TYNE'S TRADING STANDARDS SERVICE 2019/2020



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## 1. Introduction

This Annual Report has been developed to outline the key outcomes as delivered by the City Council's Trading Standards Service ("the Trading Standards Service") for the period of the 1 April 2019 to the 31 March 2020.

The Trading Standards Service in 2019/2020 reported to the Director of Operations and Regulatory Services, Christine Herriot. The responsible Cabinet Member for the Environment and Regulatory Services Councillor Nick Kemp.

The Service was staffed by a manager who fills the role as the Chief Trading Standards Officer/Chief Inspector of Weights and Measures, 2.6 (FTE) Trading Standards Officers who are qualified Inspectors of Weights and Measures, together with a 0.6 (FTE) Trading Standards Enforcement Officer.

## 2. Foreword

The City Council's Trading Standards Service together with colleagues, from all the services provided by local authorities, clearly recognises that the current challenges faced by the public sector are very demanding and challenging indeed.

Notwithstanding the budgetary constraints on all local authority services, the Trading Standards Service in 2019/2020, continued to retain its commitment to:

- i) Its common and primary purpose in meeting all our planned objectives to benefit the City of Newcastle upon Tyne, which primarily involves providing long term benefits to the businesses and consumers, which Trading Standards Services are empowered by a wide range of statutory legislation to advise and protect.
- ii) To also ensure that the partnership role of the North East Trading Standards Association (NETSA), as the partnership body for Trading Standards services within this region developed and progressed. The Service has also remained fully committed to support and position NETSA as the partnership body for the region as an effective and efficient body, acting as it does as a conduit for Central Government, Local Government, Business, Consumers and other partner organisations and bodies.
- iii) The City Council's Trading Standards Service also remained committed to adapt its role accordingly to new developments and respond appropriately to these new challenges, as and when they may arise and from whichever direction they may come from.

## 3. Objectives

The City Council's Trading Standards Service always continues to seek to conduct its affairs in adherence with the principles of better regulation and the various legislative requirements relating thereto. In particular:

- Transparency,
- Accountability,
- Consistency,
- Proportionality,
- Utilising Intelligence led targeting.

In pursuit of these principles the primary objectives of the Trading Standards Service are as follows:

- Delivering improved regulatory outcomes,
- Reducing unnecessary burdens on business,
- To maintain a common approach to enforcement policies,
- Build safer, healthier and stronger local communities,
- Achieve Consistency in advice and enforcement,
- Adding Value,
- Transparency.

#### **4. The National Enforcement Priorities**

The priorities of the City Council's Trading Standards Service for 2019/2020 were determined in line with and paying all due regard to the National Enforcement Priorities are as set out in the document published in November 2011 by the Local Better Regulation Office of "Priority Regulatory Outcomes: A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services". (1).

The Services priorities were primarily focussed around the following five key national priority areas:

##### **i) National Priority One: Support Economic Growth, especially in Small Businesses by Ensuring a Fair, Responsible and Competitive Trading Environment.**

The Trading Standards Service continued to strive to deliver effective support for legitimate business and consumers alike. The Service clearly recognises that our key role is particularly important during the particular difficult economic period that is affecting the whole global economy.

##### **a) Inspections**

The Trading Standards Service continued to engage on a risk-based approach, inspections of all the 6500 business premises in Newcastle. These visits include metrology visits undertaken by Inspectors of Weights and Measures to ascertain the accuracy and legality of weighing and measuring equipment such as petrol pumps and scales used in shop premises.

Some of our inspection visits to business premises utilising weighing and measuring equipment included:

- ***The testing for accuracy in April 2019 and November 2020 of the 95 baggage weighing machines at Newcastle International Airport,***

##### **b) Enquiries and Complaints**

The Trading Standards Service continued to respond to all enquiries and complaints as directed through to it. These enquiries and complaints typically come from a number of sources including the post, the trading standards mailbox and from the "Citizens Advice Consumer service".

***The Service received some 4101 such enquiries in 2019/2020.***

### **c) Financial Inclusion Group**

The Trading Standards Service in 2019/2020 continued to develop and promote the value of Trading Standards services around the key work of the Financial Inclusion group as chaired by the Deputy Leader Councillor Joyce McCarty.

Specifically, the service continued to recognise the key importance of the following pledges as made with the Labour Administrations Local Government Election Manifesto in 2012 (2):

#### ***“Tackling Inequalities***

- ***tackle loan sharks, who prey on vulnerable people in times of need. We will work with the national team to target hotspots where loan sharks operate.***
- ***campaign against legal, but extortionate money lending. Some companies charge in excess of 4,000% for pay day loans, encouraging people into debt and trapping them into ever increasing payments,***
- ***encourage residents who get into debt to seek advice as soon as possible, so that they can be supported by the various financial inclusion and management services that are provided or commissioned by the Council,***
- ***promote the expansion of Credit Unions as a more affordable approach to managing savings and debt”***

As a result, the Trading Standards Service:

***Continued to ensure that through the work of the Service we actively engaged in the sharing of intelligence around the activities of illegal money lenders with the national Illegal Money Lending Team (IMLT), hosted by Birmingham City Council,***

Specifically, the service continued to recognise the key importance of the following pledge as developed from the Cabinet Report to Cabinet on the 21 January 2019 and made within the Labour Administration’s Local Government Election Manifesto in May 2019 (3):

***“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”.***

As a result, the Trading Standards Service:

***Continued to ensure that through the work of the Service we actively engaged in the sharing of intelligence around the activities of businesses and individuals engaging in scams and doorstep crime.***

***The Service also continued to promote the general awareness with consumers through the development of our programme of No Cold Calling Zones. The Service successfully consulted and implemented on a number of new Cold Calling Zones in Newcastle in 2019/2020 and consolidated a number of existing No Cold Calling Zones. There are, now a total of 56 such zones now implemented in Newcastle which cover some 46,352 households,***

## **d) Counterfeit Products**

The Trading Standards service continued to develop and promote the true value of Trading Standards services to legitimate business around the legislative framework applicable to counterfeit products.

This important area of work was further highlighted in 2019/2020, with the continuing rise in the use of the internet; and specifically, social media sites by individuals setting themselves up to import and distribute counterfeit goods such as footwear and clothing. Acting upon intelligence officers carried out a number of operations to disrupt and end these types of illegal business activities by individuals operating in Newcastle.

- ***The Service dealt with a total of 12 complaints and enquiries received related to the illegal importation and distribution of counterfeit goods by businesses in Newcastle,***
- ***The Service following complaints as received from consumers formally wrote ‘cease and desist’ letters to some 21 individuals operating businesses supplying alleged counterfeit goods through the internet in Newcastle,***
- ***8 residential based businesses, operating through the internet were investigated.***

## **e) Second Hand Dealer Registration**

The Trading Standards Service continued to monitor in partnership with Northumbria Police and colleagues from Safe Newcastle, the provisions of the City of Newcastle upon Tyne Act 2000 (4) with respect to the registration of second-hand dealers in the city. In all some 19 businesses re-registered under the tri-annual programme of inspections.

Record books were continued to be made available to all the second-hand dealers in the city.

## **f) Charity Clothing Collections**

The Trading Standards service continued in 2019/2020 to receive a number of enquiries from residents who raised serious concerns over the legitimacy of individuals who collect charity bags from their homes in the city.

The service recognises that many charities now ask householders for old clothes and other items, which can be sold for charitable purposes. However, not everyone who comes to a person’s home, or drops in a plastic bag is operating on behalf of a charity. Some collectors will be operating businesses, asking for unwanted items which can be sold for profit.

The Trading Standards service in response continued to distribute an advisory poster to various organisations for display.

## **g) Cash for Clothes**

The Trading Standards service also responded to the development of a type of business activity. This new type of trade is the “Cash for Clothes” retail sector, where businesses through the use of shop premises and also mobile vans, purchase quantities of old clothes for cash from consumers. As part of ensuring the legality of all such trade activity, our Weights and Measures Inspectors visited and tested the weighing equipment used in each of the premises where clothes are being bought for cash.

## **h) Doorstep Crime and No Cold Calling Zones**

The Trading Standards Service continued to develop and promote the value of the service around the legislative framework applicable all aspects of Doorstep Crime. In particular this included the development and promotion of No Cold Calling Zones in the residential areas across the city.

Specifically, the service continued to recognise the key importance of the following pledge as developed from the Cabinet Report to Cabinet on the 21 January 2019 and made within the Labour Administration's Local Government Election Manifesto in May 2019 (3):

***“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”.***

- ***The Service successfully consulted and implemented on a number of new Cold Calling Zones in Newcastle in 2019/2020 and consolidated a number of existing No Cold Calling Zones. There are, now a total of 56 such zones now implemented in Newcastle which cover some 46,352 households,***
- ***The Service following complaints as received from residents formally wrote 7 ‘cease and desist’ letters to a number of local, regional and national businesses operating within the No Cold Calling Zones in Newcastle.***

## **i) Copycat Websites**

The Trading Standards service continues to respond to the development of a business model which is still around. By the ordering of new passports, booking driving tests and renewing car tax discs consumers are unwittingly being left out of pocket by shrewd fraudsters who operate 'copycat' websites. By imitating official government services online, copycat websites are designed to trick consumers and businesses into parting with their cash unnecessarily by charging for services that are provided cheaper or free-of-charge through official government channels.

Over 5,000 complaints were made to Citizens Advice in 2014 and 700 were made to the Advertising Standards Authority (ASA). The most commonly relate to tax returns, driving licences, European Health Insurance Cards and passports.

The Trading Standards service has previously developed a webpage together with a warning poster which has been distributed through public buildings in the city to advise and warn consumers of the dangers associated with copycat websites.

## **j) Redress Schemes and Tenant Fees Act 2019**

The Trading Standards Service recognises that as a University City with a vibrant student population, the importance placed on letting agents to ensure compliance with the various legislative provisions.

## Redress Schemes

Under the provisions of the Consumer Rights Act 2015 (5), letting agents engaging in letting agency or property management working relating to dwelling houses must display:

- a statement of whether they are a member of a client money protection scheme, if they hold client's money,
- a statement that they are a member of a redress scheme, and the name of that scheme, if they are required to be a member.

The requirements are enforced by the Trading Standards service and we can impose a fine of up to £5,000 where there is identified that there has been a breach of the legislative provisions.

## Tenant Fees Act 2019

On the 1 June 2019 the Tenant Fees Act 2019 (6) was implemented.

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.

The only payments that can be charged for in connection with a tenancy are:

- the rent
- a refundable tenancy deposit, capped at no more than five week's rent where the annual rent is less than £50,000, or six week's rent where the total annual rent is £50,000 or above
- a refundable holding deposit (to reserve a property) capped at no more than one week's rent
- payments to change the tenancy when requested by the tenant, capped at £50, or reasonable costs incurred if higher
- payments associated with early termination of the tenancy, when requested by the tenant
- payments in respect of utilities, communication services, TV licence and council tax, and
- a default fee for late payment of rent and replacement of a lost key/security device, where required under a tenancy agreement.

## k) Payment Surcharges on Credit and Debit Cards

The Trading Standards service responded to the implementation of the new legislative provisions on the 13 January 2018, which outlawed businesses payment surcharging on credit and debit cards.

Payment surcharging is when a fee is charged for the use of a particular means of payment, such as a credit card. Consumers are often unaware of these fees until the final stages of a transaction, when a purchase decision has already been made.

Some 17 complaints from consumers in respect of businesses still surcharging on credit and debit cards were actioned.



## **ii) National Priority Two: Protect the Environment for Future Generations Including Tackling the Threats of Climate Change.**

The Trading Standards Service continued to clearly recognise that as an enforcement body, it plays a key role in the delivery of key aspects of the “Climate Emergency”. On the 3 April 2019, the council declared a Climate Emergency to make Newcastle carbon neutral by 2030.

In response the Service continued to develop and promote the value of Trading Standards Services around the legislative framework applicable to the development of the existing legislation and proposed legislation as it develops as detailed under the provisions of the Energy Act 2011 (7).

### **Minimum Energy Efficiency Standards Pilot Project**

The Service in 2019, was selected together with some 7 other local authorities including Liverpool City Council and Bristol City Council to deliver on a national pilot project by BEIS on the enforcement of the legislative provisions applicable to Minimum Energy efficiency Standards in both domestic and non-domestic buildings. The project in Newcastle was delivered in collaboration with colleagues from across the City Council including from Housing, Building Control and Communications.

## **iii) National Priority Three: improve Quality of Life by Ensuring Clean and Safe Neighbourhoods.**

The Trading Standards Service continued to clearly recognise that as an enforcement body, it plays a key and very significant role in the delivery of key aspects of the Anti Social Behaviour agenda.

The advice, education and enforcement role of the City Council’s Trading Standards Service has for a number of years, been very much focussed around the key areas of work directly related to the various legislative provisions applicable to a range of age restricted products, which include Alcohol, Tobacco, Fireworks, Spray Paints, and Solvents.

These important concerns have developed into key local authority strategies through the active participation by the Trading Standards Services within “Safe Newcastle” as the Crime and Disorder Reduction Partnership for the city, the Health and Wellbeing Board and also the Alcohol Strategy Board.

The Trading Standards Service continued to engage on a risk-based approach, the inspections of the business premises selling age restricted products in Newcastle.

- ***The Service continued to engage with all relevant partners, with the development of training events around the various legislative provisions related to alcohol and other age restricted products,***
- ***The Service continued to develop and promote the Responsible Retailing Award Scheme to all businesses in the city selling a range of age restricted products.***
- ***On the 17 November 2019, the City Council successfully made an application for a Closure Order before Newcastle Magistrates Court of a retail premises operating at 71 Shields Road, Byker. The premises had been subject to a significant number of enforcement visits following which significant quantities of suspected illegal***

***tobacco products were recovered from the premises. This was the first application made by the City Council under the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014 (8).***

#### **iv) National Priority Four: Help People to Live Healthier Lives by Preventing Ill Health and Harm and promoting Public Health.**

The City Council's Trading Standards Service continues to clearly recognise that as an enforcement body, it plays a key role in the delivery of key aspects of the Public Health Agenda. Public Health 'came home' on the 1 April 2013 and has been re-shaped to fulfil its original purpose of tackling inequalities.

The Service clearly recognises this role and also recognises the Governments views around the public health risks associated with alcohol and tobacco as detailed in the White Paper: "Healthy Lives, Healthy People" (9) and also, the policy document "Towards a Smokefree Generation: A Tobacco Control Plan for England" (10).

##### **a) Age Restricted Products**

The advice, education and enforcement role of the Trading Standards Service has for a number of years, been very much focused around the key areas of work directly related to the various legislative provisions applicable to Alcohol and Tobacco.

The Trading Standards Service in 2019/2020 continued to engage on a risk-based approach, inspections of all business premises in Newcastle.

This key work-stream will continue to be based on our continuing engagement with Smoke Free Newcastle and our regional partners, which include the tobacco office "FRESH" and the alcohol office: "Balance".

- ***The Service carried out some 30 visits to premises selling tobacco products and checked the legality of some 600 packets of cigarettes, together with the related legislative requirements around advertising and age restricted notices. In 3 premises statutory under 18 notices were missing and were replaced,***
- ***In a significant number of intelligence led operations against retail premises; secure storage units and private residences some 593,100 suspected illegal cigarettes and 40 KG's of Hand Rolling Tobacco were seized.***
- ***In many of these premises the individuals involved are becoming more adapt at concealing the illegal tobacco products in carefully constructed storage units and also within motor vehicles parked away from the business premises involved.***



A concealed storage unit in a staff bathroom in a retail premise found full of illegal tobacco products in June 2019.



The "BWY Canine" Illegal Tobacco unit" positioned outside 71 Shields Road, Byker, Newcastle upon Tyne on the June 2019.

- ***The BWY Canine "illegal tobacco unit" visited Newcastle on the 3 and 4 June 2019.***
- ***On the 17 November 2019, the City Council successfully made an application for a Closure Order before Newcastle Magistrates Court of a retail premises operating at 71 Shields Road, Byker. The premises had been subject to a significant number of enforcement visits following which significant quantities of suspected illegal tobacco products were recovered from the premises. This was the first application made by the City Council under the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014 (8).***

## **b) Product Safety**

In terms of the Service's commitment to ensuring the safety of all consumer products sold in Newcastle, which include toys through to electrical products we continued to carry out on a risk assessed basis, visits to all business premises in Newcastle. The Service also in 2019/2020 continued to support the development of a number of national safety campaigns, with the prime purpose of raising consumer awareness of specific and important safety issues. These national safety campaigns promoted by the Office for Product Safety and Standards included seasonal campaigns aimed at consumers during Halloween, the 5 November and Christmas.

The Service also developed its own localised safety campaigns, which included:

- ***The development and promotion of a campaign, in respect of a voluntary ban for small retailers on the sale of Corrosive Substances to those under 18,***

- ***The development and promotion of a campaign, in respect of a voluntary ban for small retailers on the sale of Energy Drinks to those under 18.***

**v) National Priority Five: Ensure a Safe, Healthy and Sustainable Food Chain for the Benefits of Consumers and the Rural Economy.**

The Trading Standards Service continued to clearly recognise that it plays a key role in the delivery of key aspects in the protection and sustainability of the Food Chain. This recognition is also considered the individual responsibility of the Service for the enforcement of the legislative framework which governs the Food Chain; which often involves a dual enforcement role performed between the Trading Standards Services and the Environmental Health Food Safety Service.

The Service's work in this important sector is based around the legislative framework applicable to the Government's policy as directed through the Department for Environment Food and Rural Affairs (DEFRA) and also the Food Standards Agency (FSA). The primary purpose of the Service's involvement within this sector is around the prevention and detection of notifiable animal diseases such as foot and mouth disease.

In direct response to the Framework agreement signed with DEFRA and the obligations placed on the City Council as a Licensing Authority, officers from the Service conducted a range of inspection visits to business premises across Newcastle in 2019/2020, mainly in response to complaints and intelligence as received.

- ***The Service carried out Animal Health and Welfare visits to 10 premises in the city to assess all procedures under the provisions of Animal Welfare legislation in respect of disease control and as applicable to a range of range of farm animals including pigs, cattle and sheep.***

In addition, *The Service is involved in the national feed hygiene project as delivered by the NTSB on behalf of the FSA in 2019/2020. Some 8 visits have been conducted during this project and these have included a number of micro-breweries.*

In addition, with the implementation of the licensing provisions set out within the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (11), inspection visits were paid to a range of premises. These visits included:

- ***The Service carried out Licensing visits to 3 premises licensed to Hire out Horses,***
- ***The Service carried out Licensing visits to 7 premises licensed to Sell Animals as Pets,***
- ***The Service carried out Licensing visits to 30 premises licensed to Provide Home Boarding for Dogs,***
- ***The Service carried out a Licensing visit to a premises licensed to facilitate the Breeding of Dogs.***

**5. Government Response to Transforming Regulatory Enforcement**

The development and direction of the City Council's Trading Standards Service will also continue to be formulated after all due consideration of the previous "Government Response

to the Consultation on Transforming Regulatory Enforcement” (12).

In particular the Service notes the Governments overall intention, which is set out within this document, to develop **“A different and more mature relationship with business”**.

The Trading Standards Service also continues to take note of the Government’s intention to address the following key points:

- It will review all regulators,
- It will be presumed that co-regulation be introduced,
- It wants to see existing regulatory regimes make much more use of “earned recognition”,
- It will work with businesses and local authorities through Local Enterprise Partnerships to promote better local regulation,
- It will establish a presumption that regulators should help businesses comply with the law,
- It will also clarify that no business should face a sanction for simply asking a regulator for advice,
- It will put a new partnership between Government, regulators and businesses at the heart of the new regulatory system, bringing the expertise of the Better Regulation Delivery Office into Government,
- It will extend the Primary Authority scheme to improve the coherence, accountability and transparency of local regulation,
- It will strengthen inspection plans to deliver earned recognition for business,
- It will allow more organisations to participate, within the Primary Authority scheme, benefiting small business,
- It will include specific policy areas, which are currently out of scope, within the Primary Authority scheme,
- It will retain the Regulator’s Code, giving it a higher profile, placing it at the heart of the reviews of regulators and ensuring that it is understood by customers.

The Service also closely reflected on the contents of the BIS Retail Strategy (13) as published in October 2012. In particular we note the following intentions of Government:

*“A positive approach to regulation can contribute significantly to economic development and sustainable growth. Good regulation can protect businesses by creating a level playing field and confidence to invest, grow and create new jobs. It is not just regulation that impacts on retail but the enforcement, the Better Regulation Delivery Office’s (BRDO) Regulation and Growth paper explores how regulation can sustain economic growth by reducing costs and improving business confidence.*

*Government will work closely with BRDO to improve regulatory delivery and to promote and expand coverage of the Primary Authority Scheme (PA) by:*

- *Promoting a partnership approach between regulators and regulated (spring 2013).*
- *Raising awareness campaign of PA amongst retail sectoral trade bodies, local authorities and LEAs (January 2013. Key stakeholders BRDO, LEAs, retail sectoral trade bodies, and the LGA).*
- *Improving the way regulation of retail is enforced by delivering a common standard of competency and reviewing the Regulators Code (Key stakeholders BRDO, LEAs, retail sectoral bodies, and the LGA).*

- Instituting an awareness raising campaign for a new code of practice for regulatory delivery in respect of age restricted products for retailers and local authorities”.

## **6. Open for Business: A Shared Vision for local regulation**

At the LGA conference held in July 2013 in Manchester, the strategy document "Open for Business: A Shared Vision for Local Regulation" (14) was launched.

The Trading Standards service fully recognizes the statements made in this document and in particular, the following:

*“Our ambition is for local government to be able to work with business in a local area to understand risks and determine what level of regulation is appropriate. We believe that trading standards, environmental health and licensing services are well placed to free up businesses from unnecessary regulation and can design and operate a scheme which is right for business and right for their local communities, without central direction and prescription”.*

## **7. Methodology to Be Adopted for the Delivery on the National Enforcement Priorities and Responding to the “Transforming of Regulatory Enforcement”**

In response to the development of key national Enforcement Priorities by the Better Regulation Delivery Office (BRDO) (now the Office for Product Safety and Standards) taken together with the response from Central Government around “Transforming of Regulatory Enforcement and also the developed local priorities of elected Members; the Trading Standards Service carefully developed the following priorities for its work in 2019/2020.

The Service implemented these priorities through the following key areas of work, which together form a methodology:

### **i) The New Consumer Landscape**

The City Council’s Trading Standards Service continued to support the role of NETSA within the North East of England. The NETSA Executive acting on behalf of its twelve-constituent local authority Trading Standards services, remains committed to the continuing delivery of an effective and efficient partnership body for the North East of England.

The City Council’s Trading Standards Service continues to clearly recognise that it is a priority that NETSA continues to be represented and play an active role at the National Trading Standards Board (NTSB).

### **ii) National Trading Standards Board**

In the past BEIS have provided additional funding for those activities relating to cross-border rogue trading and illegal money-lending, recognising the national resilience that enforcement work in this area provides. Local Authorities have keenly embraced these agendas through these regional groups.

The NTSB is formed from a group of senior and experienced local government heads of trading standards, representing all trading standards services across England and Wales. Its purpose is to provide leadership, influence, support and resources to help combat consumer detriment, locally, regionally and nationally.

The NTSB now directs the enforcement work currently done regionally by councils and is responsible for allocating government funding, under a grant agreement, for the Regional Investigation teams, National Tasking, Scams team, safety of consumer goods at the major ports and provision of a specialist internet crime unit.

There is also a high-level oversight mechanism at a political level (via BEIS, the LGA and the WLGA Group).

The NTS Annual Business Plan 2019/2020 (15) set out the following priority objectives for 2019-2020.

<p><b>Objective 1</b> Ensure effective governance arrangements for the delivery of national and cross boundary consumer protection activities</p>	<p><b>Objective 2</b> Create systems to share intelligence more effectively and efficiently in order to identify and tackle emerging threats</p>	<p><b>Objective 3</b> Ensure effective delivery of national and cross boundary enforcement projects</p>	<p><b>Objective 4</b> Effectively coordinate and collaborate on all arrangements</p>
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### iii) North East Trading Standards Association

Through the work of NETSA the Trading Standards Service continued to liaise and work in close partnership with the full range of organisations and bodies that have a key influence around the Consumer Landscape. These partner organisations include:

- Department for Business, Energy and Industrial Strategy,
- Office for Product Safety and Standards,
- Department of Health,
- Department for Food and Rural Affairs, Animal Health,
- Ministry of Housing, Communities and Local Government,
- Home Office,
- United Kingdom Border Force,
- Competition and Markets Authority,
- United Kingdom Intellectual Property Office,
- Food Standards Agency,
- Illegal Money Lending Team,
- Association of Chief Trading Standards Officers,
- Chartered Trading Standards Institute,
- Chartered Institute of Environmental Health,
- Citizens Advice Bureaux.

NETSA as a partnership body continued to remain fully committed to the delivery, maintenance and improvement of the regional project teams it has responsibility for. The project teams managed by NETSA in 2019/2020 included the Regional Investigation team and Regional Co-ordination.

### iv) Regional Investigations Team

The Trading Standards Service through the role of the NETSA Executive continued to recognise the importance of regional partnership working as developed through the Trading Standards Annual Report 2019/2020

Regional Investigation Team and working at a local operational level through the twelve constituent local authorities in the North East of England.

The Trading Standards Service continued to support the work of the Regional Investigations Team as funded by the NTSB and which is currently hosted by Redcar and Cleveland BC.

#### **v) Regional Co-ordination**

The Trading Standards Service through the role of the NETSA Executive in 2019/2020 continued to recognise the importance of regional co-ordination. The NETSA Executive will continue to support the current network that operates nationally and as funded by the NTSB. The Regional Co-ordinator is currently hosted by Durham County Council.

#### **vi) Intelligence Led Regional Enforcement Activities**

The Trading Standards Service in 2019/2020 continued to utilise all relevant risk assessment methods to target criminal activity, which directly affects businesses and consumers in the North East of England. In particular the related responses and the delivery of all actions will be very much informed upon by local, national and regional intelligence, based around the development of national databases.

#### **a) Intelligence Operating Model**

The NTSB developed and published in September 2013 an Intelligence Operating Model (IOM). (16).

*“The IOM is designed to be a comprehensive tool to assist frontline delivery of trading standards regardless of size and resources.*

*At the heart of the IOM is the effective use of intelligence. It aims to achieve a common understanding of the business processes that will help to better coordinate our enforcement efforts nationally, regionally and locally in England and Wales, focusing on agreed priorities and the issues causing significant consumer and business detriment. Through a problem-solving approach, trading standards will be able to effectively allocate resources to target the greatest problems and this will be a familiar approach to trading standards. It can be used to help shape the development of local authority services.*

*The IOM is about the identification and assessment of threats, risks and harm and we will refer to them throughout this document as ‘problems’, it is about the management of prioritized problems through enforcement and other activity; and the review of the effectiveness of measures taken. It is designed to provide a structured approach to decision making.*

*The IOM will help to provide processes to enable the NTSB National Tasking Group (NTG), to effectively deal with referrals, task work out and provide resources to deliver this work”.*

The Regional Investigation Team has appointed a Regional Intelligence Analyst and a Regional Intelligence Support Officer, with the intention to maximise all intelligence across the region and nationally.

The Trading Standards Service has appointed a Local Intelligence Liaison Officer (LIL) and also has a representative on the Regional Tasking Group (RTG) to ensure the effective sharing of all relevant data and intelligence and the tasking of the Regional Investigation



team to effectively and efficiently tackle both level 2 and level 3 Crime.

In respect of the involvement of the Trading Standards Service and NETSA around regional enforcement activities, the following areas in 2019/2020 were focussed upon:

- ***The Service continued to liaise with all relevant partners involved in the development of strategies and policies aimed at preventing vulnerable adults becoming victims of Doorstep Crime, Scams and also Distraction Burglary. Such partners include the regional Police services and the three Police and Crime Commissioners, Newcastle Citizens Advice, Age UK and the Elders Council,***
- ***The Service continued to liaise with all partners with respect to the key work of the Financial Inclusion Group,***
- ***The Service continued to liaise with all partners including the Regional Investigation Team and the Police Services with respect to the concerns as expressed around the continuing and worrying activities of door to door businesses selling fish. A significant number of convictions of the individuals involved were secured though-out 2019/2020.***

#### **vii) Achieving Consistency in Advice and all Enforcement Matters**

Through the role of NETSA the Executive has maintained its Specialist Technical groups. These Specialist Technical groups have been primarily set up to ensure that businesses throughout the North East of England receive consistent and uniform advice in respect of all the legislative provisions as enforced by Trading Standards Services. The main Specialist Technical groups that have been formed are:

- Metrology,
- Fair Trading,
- Product Safety (including Age Restricted Products),
- Animal Health and welfare and Feed Hygiene,

The Trading Standards Service through the role of the NETSA Executive also continued to recognise that there are also a number of partnership groups, which due to the nature of service provision across the twelve local authorities in the region, are formed with representation from both Environmental Health services as well as Trading Standards services. Specifically, these include groups around Companion Animals, Licensing (alcohol, gambling, taxis and street trading) and Food Safety law.

The Executive is aware of the development of various specialised technical groups from various partner bodies, for example the national Metrology group and the Product Safety Focus group which have continued with support from the Department for Business, Energy and Industrial Strategy (BEIS) and the Animal Health group which has received support from the Department of Food and Rural Affairs (DEFRA).

Each of the Specialist Technical groups met in 2019/2020 when sufficient business was generated to require a meeting. Other issues around co-ordinating and specialised technical matters raised from Government Departments and organisations and from within the region were resolved by the use of various communication methods, including E-mail.

## **viii) Tyne and Wear Joint Trading Standards Committee and the Metrology Laboratory**

The City Council's Trading Standards Service continued to recognise the important role that the Tyne and Wear Joint Trading Standards Committee has played since 1986 in the Co-ordination and monitoring the work of the Trading Standards Services delivered by the five local authorities within Tyne and Wear.

Specific importance is placed on the role and operation of the Metrology Laboratory in Saltmeadows Road in Gateshead which is hosted by Gateshead MBC. The Metrology Laboratory offers a unique support service package to each of the local authorities in Tyne and Wear through its specialised metrology functions and allows the individual authorities to fulfil their statutory requirements under the provisions of the Weights and Measures Act 1985 (17) The Metrology Laboratory also provides for the screen testing of a wide range of consumer products, including toys and electrical products.

The Metrology Laboratory also provides a calibration service for weights and other devices for measurement to a wide range of business across the region and nationally.

In respect of the Tyne and Wear Joint Trading Standards Committee the reports that were presented to Members of this Committee in 2019/2020 included issues such as:

- ***Offensive Weapons Act 2019,***
- ***Scams Awareness Campaign 2019 & Citizens Advice Scams Action Project,***
- ***Regulation of Property Agents Working Group,***
- ***Update on response to Rogue Door to Door Fish Sellers,***
- ***Nicotine Inhaling Products,***
- ***Response on the Consultation of the Post Implementation Review of Tobacco Legislation.***

## **ix) Transforming Regulatory Enforcement**

The Trading Standards Service continues to embrace the Better Regulation Agenda.

The Trading Standards Service together with the NTSB, NETSA and the North East Public Protection Partnership (NEPPP) will continue to work with our all key partners and in particular the Office of Product Safety and Standards (OPSS); to further improve upon the delivery of the work of the Trading Standards Services across the region as well as in Newcastle.

## **8. Advice to Business**

The Trading Standards Service in delivering its key priorities has recognised and continues to do so, the importance of providing relevant and timely advice to all the diverse businesses in Newcastle. Fundamental to this delivery mechanism are a number of key areas of work:

### **i) Levels of Advice**

The Trading Standards Service continued to engage in 2019/2020 with a wide range of business enterprises both based in Newcastle and those with business outlets in the city. The engagements with businesses with corporate businesses in Newcastle are based around the principles of the Home Authority in the provision of specialised technical advice to all such businesses. These enquiries are instigated either by other LATSS or indeed the businesses themselves.

In respect of the relevance of the Primary Authority scheme to businesses based in Newcastle the Trading Standards Service continues to monitor the relevance of the scheme to all our local businesses in the city.

- ***In 2019/2020 the Trading Standards Service received and dealt with some 17 enquiries referred through the Primary Authority/Home Authority principle.***

## **ii) Communications Strategy**

The communication strategy has involved the continuing development of a number of key themes:

- ***The continuing development and updating of information on the web-pages assigned to Trading Standards and Animal Health and Welfare,***
- ***The continuing delivery of the offer made to all organisations and groups in the city to give presentations on the work of the Trading Standards Service. Officers presented at various meetings and events 2019/2020. These included:***
  - ***Child Safety Week. June 2019,***
  - ***Scams Awareness Month. June 2019,***
  - ***Newcastle University Student Housing Event. November 2019.***
- ***The use of the media, including the local press, radio and television to promote the work of the Trading Standards Service, as well as conveying important messages, including our work around seizures of counterfeit products and illegal alcohol and tobacco. Specifically, our work in 2019/2020 featured on a number of programmes broadcast on “Tyne Tees TV”, “Channel 5” and “Metro Radio”, and stories around various aspects of our work appeared in the “Evening Chronicle” and the “Northern Echo” newspapers together with specialised publications such as “Talking Retail”.***
- ***The continuing development of the Trading Standards newsletter which continues to be published on a bi-annual basis. The fifteenth edition (Summer 2019) and the sixteenth edition (Autumn/Winter 2019) were each published and placed on the website.***

## **9. Advice to Consumers**

The Trading Standards Service in delivering its key priorities has recognised and continues to do so, the importance of providing relevant and timely advice to consumers and which is fundamental to ensuring that:

- The Service through related links to allow consumers to become better informed and more confident of their contractual rights in the marketplace,
- Such timely updates ensure protection for consumers affected by changes in legislation, specifically related to the safety of consumer products.

To this end this Service, although fully aware that the City Council no longer provides a Consumer Advice Service is still able to deploy means of advising consumers in Newcastle around criminal matters, specifically through the media, continued to link through the City Council’s internet and social media sites, to update and inform consumers.

The Service also in 2019/2020 continued to develop close working relationships with a range of partners delivering consumer advice in Newcastle including Newcastle Citizens Advice.

### **National Scams Awareness Month 2019**



*L-R Nicola Diston, (Newcastle CAB), Councillor Nick Kemp (Cabinet Member for the Environment and Regulatory Services) and Neil Duffy (Newcastle CAB).*

The Service together with Newcastle Citizens Advice delivered on an event during National Scams Awareness Month on the 11 June 2019 at the Grainger Market Event Space.

## **10. Campaigns**

The Trading Standards Service in delivering its key priorities through 2019/2020 has clearly recognised and continues to do so, the importance of continuing to develop its project and campaign work, providing responses to all concerns that are brought to the attention of the Service from a variety of sources. These sources include:

- Information and concerns expressed by locally elected Members and MP's,
- Information and concerns expressed by consumers and residents in the city,
- Information received via national panels set up with external partners at a national level. These typically include Government Departments such as BEIS, the Office of Product Safety and Standards, DEFRA and the Home Office,
- Information received from other Trading Standards Services as delivered by Government Departments and Local Authorities across the United Kingdom,
- Information received from other Trading Standards Services forming NETSA as the partnership body for the region,
- Information and concerns expressed by external partners in the city including Northumbria Police, the Police and Crime Commissioner, HMRC, DEFRA, Age UK (Newcastle) and Citizens Advice Newcastle,
- Information and concerns expressed by other professional colleagues within the local authority including colleagues from Safe Newcastle, Licensing and Environmental Health.

Based on the information and various trends and developments that presented to the Trading Standards Service the following campaigns were continued to be developed by the Service through 2019/2020:

- **Scams,**
- **Doorstep Crime and No Cold Calling Zones,**

- **Safety of Halloween Costumes,**
- **Illegal Tobacco,**
- **Alcohol,**
- **Responsible Retailer Award Scheme,**
- **Illegal Money Lending,**
- **Bogus Charity Clothing Collections,**
- **Copycat Websites,**
- **Sale of Corrosive Substances,**
- **Sale of Energy Drinks.**

## **11. Communications**

The Trading Standards Service through in delivering its key priorities has clearly recognised and continues to do so, the importance of continuing to develop its role in the communication to businesses and consumers of the work it becomes involved with and specifically in the promotion of its project and campaign work.

This communication strategy has involved the continuing development of key themes:

- ***The continuing development and updating of information on the web-pages assigned to Trading Standards and Animal Health and Welfare,***
- ***The continuing delivery of the offer made to all organisations and groups in the city to give presentations on the work of the Trading Standards Service. Officers presented at various meetings and events 2019/2020. These included:***
  - ***Child Safety Week. June 2018,***
  - ***Scams Awareness Month. June 2018,***
  - ***Newcastle University Student Housing Event, November 2019.***
- ***The use of the media, including the local press, radio and television to promote the work of the Trading Standards Service, as well as conveying important messages, including our work around seizures of counterfeit products and illegal alcohol and tobacco. Specifically, our work in 2019/2020 featured on a number of programmes broadcast on “Tyne Tees TV”, “Channel 5” and “Metro Radio” and stories around various aspects of our work appeared in the “Chronicle” and the Northern Echo” newspapers together with specialised publications such as “Talking Retail”.***
- ***The continuing development of the Trading Standards newsletter which continues to be published on a bi-annual basis. The fifteenth edition (Summer 2019) and the sixteenth edition (Autumn/Winter 2019) were each published and placed on the website.***

## **12. Consultations**

The Trading Standards Service through the role of the NETSA Executive in delivering its key priorities has recognised and continues to do so, the importance of providing responses to all relevant consultation documents, as fundamental to ensuring:

- That the twelve local authority Trading Standards services in the North East of England continue to have a voice nationally,
- That as a partnership body we ensure that we make any relevant concerns we have in respect of any proposals which affect both service delivery and also consumers and businesses we are empowered to protect, directly to our external partners including Central Government,

- That in providing a common and co-ordinated response to all relevant consultation documents we ensure that our response is co-ordinated across our twelve local authority Trading Standards services.

Key to this continuing involvement with the strategic change management, NETSA continues to respond to all relevant consultations in line with our key priorities. The one consultation responded to was on the “Post Implementation Review of Tobacco Legislation”.

### 13. Staff Training

The Trading Standards service in delivering its key priorities has and continues to do so, views the provision of training, as fundamental as adding value to existing professional training and retaining competency levels for all officers, against the background of change.

The Service through its partnership role with NETSA has specifically expressed concerns around the two fundamental aspects of training related to the continuing development of the profession. In particular it notes the importance of:

- The need for all local authorities to continue to fund training provision for officers to obtain qualifications as Trading Standards Officers and Enforcement Officers in order to ensure the survival of the profession,
- The need for all local authorities to continue to fund training provision for existing qualified officers to renew their individual competency levels around all aspects of work that these officers engage in.

Therefore, as a direct consequence, the Service will continue to ensure that we take every opportunity that presents itself will be taken to address identified skills gaps and, subject to resources and capacity. With partners we will continue to attempt to provide any suitable training in partnership with others, as and when those particular opportunities emerge.

Specifically, officers from the Trading Standards Service attended a number of specialised training courses:

- ***Animal Health and Welfare courses,***
- ***Metrology courses,***
- ***Tenant Fees Act 2019***

### 14. Concluding Summary

The City Councils Trading Standards Service remains committed to the belief it continues to deliver to a very high standard with decreasing resources a very tactical and strategic approach to the overall delivery of the legislative provisions, as a Service, it is responsible for the delivery of and on behalf of the City of Newcastle upon Tyne.

The Trading Standards Service also believes that the Annual Report 2019/2020 clearly demonstrates the continued value of joined up working across the twelve Trading Standards services and related Regulatory Services in the North East of England.

The Service believes that the Annual Report clearly demonstrates that its work plan continues to be delivered in partnership with Central Government departments, agencies and organisations within the Consumer Landscape, together with legitimate businesses.

In conclusion, the Service fully accepts that local Government and in particular Trading Standards services are currently undergoing fundamental and indeed far reaching changes and the Service, has clearly recognised in 2019/2020 and continues to do so the need to adapt to the challenges presented by the new and evolving regulatory landscape of the future.

Chief Trading Standards Officer/Chief Inspector of Weights and Measures, 31 March 2020.

## References

1. "Priority Regulatory Outcomes. A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services. Final Report. November 2011. LBRO
2. "Newcastle Labour. Local Government Election Manifesto 2012". September 2011.
3. "Newcastle Labour. Local Government Election Manifesto". May 2019.
4. "City of Newcastle upon Tyne Act 2000". Chapter viii. ISBN 0-10-510800-6.
5. "Consumer Rights Act 2015"
6. "Tenant Fees Act 2019. Chapter 4. ISBN 978-0-10-570038-8"
7. "Energy Act 2011". Chapter 16. 18<sup>th</sup> October 2011.
8. Anti-Social Behaviour, Crime and Policing Act 2015.
9. "Healthy Lives, Healthy People: Our strategy for public health in England". 30 November 2010. CM7895.
10. "Towards a Smokefree Generation: A Tobacco Control Plan for England", July 2017. Department of Health.
11. "The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. SI 2018 No. 486".
12. "Transforming Regulatory Enforcement. Government Response to the Consultation on Transforming Regulatory Enforcement". December 2011. Department for Business, Innovation and Skills. URN 11/1408.
13. "BIS Retail Strategy". October 2012. Department for Business, Innovation and Skills. URN 12/1197.
14. "Open for Business. A Shared Vision for Regulation. Local Government Association". July 2013.
15. "National Trading Standards Board Annual Business Plan 2019-2020".
16. "National Trading Standards Board. Intelligence Operating Model". Issue 1.2. 30 September 2013.
17. Weights and Measures Act 1985. HMSO. ISBN 0105472859