

# ANNUAL REPORT OF THE CITY OF NEWCASTLE UPON TYNE'S TRADING STANDARDS SERVICE 2021/2022



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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 2021 to the 31 March 2022.

The Trading Standards Service in 2021/2022 reported to the Director of Operations and Regulatory Services, Christine Herriot. The responsible Cabinet Member for the Housing and Regulatory Services portfolio was Councillor Linda Hobson.

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

### 2.1 Covid 19 Pandemic

It has clearly to be recognised that since 2020 life has been dominated by the national response to the Covid 19 Pandemic and all regulatory services in their enforcement role have clearly been affected by the need to respond to the issues.

Since March 2020, there have been and continue to be a number of rapid and far-reaching changes in legislative regimes, which have been imposed by Central Government and as all local authorities have progressed through responding and dealing with the pandemic. Basically, there have and continued to be legislative changes which have been imposed, at often quite short notice for local authority officers to interpret and then enforce.

Trading Standards and Environmental Health services continue to be at the fore front in providing rapid and very responsive solutions to the interpretation and implementation of the various legislative changes imposed on the nation and the regional tiers, as we have progressed through dealing with the pandemic.

The true effect and importance of these range of additional duties was highlighted in a letter of the 26 January 2021, which was sent to all Chief Executives by the Ministry of Housing, Communities and Local Government (1).

The letter highlighted the work carried out and encapsulated advice on service delivery for Winter 2020/2021 in the following terms:

*"We have heard from many of you about the pressure these services are under. We know that councils were already taking a risk-based approach to regulation following reductions in capacity, and that the demands of COVID-19 and EU transition have stretched the need to do so still further. We have also received feedback that it would be helpful for government to provide a steer on national priorities to help inform local approaches and management of resources across all regulatory areas including licensing, trading standards and environmental health.*

*We have therefore developed a table of existing regulatory services activities, categorised to help support local authority decision-making, included in the Annex. While statutory duties will need to continue to be met across all activities, in some*

area's government has introduced changes to reduce burdens or streamline activity, and details of these are set out".

A selection of the existing regulatory activities was set out below:

<b>Category of Activity</b>	<b>Service area</b>
Category A. Covid-19, Transition, and highest priority reactive work: please focus effort and resource on these activities.	COVID-19 business restrictions – advice and enforcement
Category A. Covid-19, Transition, and highest priority reactive work: please focus effort and resource on these activities.	Trade in Goods high priority safety activity
Category A. Covid-19, Transition, and highest priority reactive work: please focus effort and resource on these activities.	High priority business critical checks at Border Control Posts (BCP)/ports
Category B. High priority: please continue to deliver these activities wherever possible, recognising that activities in Category A may take precedence.	Tobacco and related products enforcement activity
Category B. High priority: please continue to deliver these activities wherever possible, recognising that activities in Category A may take precedence.	Animal health & welfare
Category B. High priority: please continue to deliver these activities wherever possible, recognising that activities in Category A may take precedence.	Consumer protection/scams – vulnerable consumers/Transition/COVID-19
Category B. High priority: please continue to deliver these activities wherever possible, recognising that activities in Category A may take precedence.	Legal metrology reactive work
Category C. Recognition that elements of these activities may be paused or deprioritised following a risk-based approach, and that activity in Categories A and B may take priority.	Legal metrology planned proactive work
Category C. Recognition that elements of these activities may be paused or deprioritised following a risk-based approach, and that activity in Categories A and B may take priority.	Consumer protection/scams work Enforcement of consumer law and business regulation for non-vulnerable consumers, and presenting low risk of overall harm

## 2.2 Other Challenges

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.

### **2.2.1 Staffing**

In particular the beginning of 2021 saw the loss through retirement of a TSO (0.6 FTE) and the loss through the shift to a new position of a TSO (FTE). It was very pleasing to report that following an intensive recruitment exercise by the Autumn of 2021 we managed to recruit two very experienced officers to these two posts.

### **2.2.2 Avian Flu**

On the 22 January 2022 an outbreak of avian flu was confirmed at the Ouseburn Farm (2) in Byker. This involved very close partnership enforcement work with colleagues from the Animal Plant and Health Agency (APHA) at the Department for Food and Rural Affairs (DEFRA). A 3KM Protection Zone (PZ) together with a 10KM Surveillance Zone (SZ) were set up around the site and officers conducted surveillance visits together with the posting out of some 12,000 letters to residents in the PZ requesting any information on birds that were being kept by residents.

With the declaration on the 23 February 2022 of a further outbreak at Blaydon on Tyne (3) in Gateshead a further 10KM Surveillance Zone was declared across the city.

### **2.3 Primary Purpose**

Notwithstanding the budgetary constraints on all local authority services, the Trading Standards Service in 2021/2022, 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 2021/2022 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". (4).

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 8190-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.

##### **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 4668 such enquiries in 2021/2022.***

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

The Trading Standards Service in 2021/2022 continued to develop and promote the value of Trading Standards services around the key work of the Financial Inclusion group as chaired by Cabinet Member, 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 (5):

***“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 (6):

***“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 an extension of an existing No Cold Calling Zones. There are, now a total of 50 such zones now implemented in Newcastle which cover some 49,282 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 2021/2022, 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 15 complaints and enquiries received related to the illegal importation and distribution of counterfeit goods by businesses in Newcastle,***
- ***7 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 (7) with respect to the registration of second-hand dealers in the city. In all some 15 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 2021/2022 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 made within the Labour Administration's Local Government Election Manifesto in May 2019 (6):



***“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 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 an extension of an existing No Cold Calling Zones. There are, now a total of 50 such zones now implemented in Newcastle which cover some 49,282 households,***

## **i) 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 (8), 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 (9) 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.

## **j) 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 9 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 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 (10).

### **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, Solvents and Vaping products. 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.***

#### **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" (11) and also, the policy document "Towards a Smokefree Generation: A Tobacco Control Plan for England" (12).

#### **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 2021/2022 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".

- ***In a significant number of intelligence led operations against retail premises; secure storage units and private residences some suspected 611,514 illegal cigarettes and 198.84 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 successful tobacco dog operation conducted during March 2022 .*



## **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 2021/2022 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 (OPSS) 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 2021/2022, mainly in response to complaints and intelligence as received.

- ***The Service carried out Animal Health and Welfare visits to 12 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.***
- ***The Service promoted throughout the Winter of 2021/2022 the need to adhere by the national restrictions aimed at the prevention of avian flu within the domesticated bird population.***
- ***The Service actioned in partnership with APHA the response to the declaration of the Avian Flu outbreak at Ouseburn Farm on the 22 January 2022.***

In addition, *The Service is involved in the national feed hygiene project as delivered by the NTSB on behalf of the FSA in 2021/2022. Audits continued to be 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 (13), inspection visits were paid to a range of premises.

## **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" (14).

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.

## **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" (15) 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 2021/2022.

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 Northeast 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 Northeast 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 Annual Report 2021/2022

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 2021/2022 (16) sets out the following priority objectives for 2021-2022.

**Objective 1**

Ensure effective governance arrangements for the delivery of national and cross boundary consumer protection activities

**Objective 2**

Create systems to share intelligence more effectively and efficiently in order to identify and tackle emerging threats

**Objective 3**

Ensure effective delivery of national and cross boundary enforcement projects

**Objective 4**

Effectively coordinate and collaborate on all arrangements

**iii) Northeast 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 and Social Care,
- Department for Food and Rural Affairs, Animal Health,
- Department for Levelling Up, Housing and Communities,
- 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 2021/2022 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 Regional Investigation Team and working at a local operational level through the twelve constituent local authorities in the Northeast 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 2021/2022 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 2021/2022 continued to utilise all relevant risk assessment methods to target criminal activity, which directly affects businesses and consumers in the Northeast 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). (17).

*“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 2021/2022 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, 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 2021/2022.***

#### **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 Northeast 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 2021/2022 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 (18) 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 2021/2022 included issues such as:

- ***Update on the Response to Rogue Door to Door Fish Sellers***
- ***Update on the National Audit Officer Report: Protecting Consumers from Unsafe Products***
- ***Update on the Government Consultation: Reforming Competition and Consumer Policy: Driving growth and delivering competitive markets that work for consumers***
- ***Green Claims - New Trading Standards Responsibility***

## **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 Northeast 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 2021/2022 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 2021/2022 the Trading Standards Service received and dealt with some 11 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 webpages assigned to Trading Standards and Animal Health and Welfare,***
- ***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, and responding to Avian Flu outbreaks. Specifically, stories around various aspects of our work appeared in the “Chronicle” newspaper***
- ***The continuing development of the Trading Standards newsletter which continues to be published on a bi-annual basis. The eighteenth edition (Autumn/Winter 2021) was 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 2021/2022 continued to develop close working relationships with a range of partners delivering consumer advice in Newcastle including Newcastle Citizens Advice.

## **10. Campaigns**

The Trading Standards Service in delivering its key priorities through 2021/2022 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 2021/2022:

- **Scams,**
- **Doorstep Crime and No Cold Calling Zones,**
- **Illegal Tobacco,**
- **Alcohol,**
- **Illegal Money Lending,**
- **Bogus Charity Clothing Collections,**
- **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 webpages assigned to Trading Standards and Animal Health and Welfare,***
- ***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, and responding to Avian Flu outbreaks. Specifically, stories around various aspects of our work appeared in the “Chronicle” newspaper.***
- ***The continuing development of the Trading Standards newsletter which continues to be published on a bi-annual basis. The eighteenth edition (Autumn/Winter 2021) was 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 Northeast 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.

### 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,***
- ***Scams courses***

### 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 Service has clearly recognised the continuing effect that our enforcement responses to the Covid 19 Pandemic have on our general service delivery and we will prioritise our services and resources to continue to satisfy the various demands placed on our functions.

The Trading Standards Service also believes that the Annual Report 2021/2022 clearly demonstrates the continued value of joined up working across the twelve Trading Standards services and related Regulatory Services in the Northeast 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 2021/2022 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 2022.

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