

High Standard

Trading Standards News



As part of the City Council's Trading Standards Service commitment to the regional illegal tobacco campaign and in conjunction with HMRC and National Trading Standards the delivery of Operation CeCe; in support of our work contributing to the "Smoke Free Newcastle" strategy from April 2021 to April 2022 the Service seized **611,514** suspected illegal cigarettes and **199.84 Kg's** of suspected illegal hand rolling tobacco during a series of raids. These raids involved inspections of some businesses, residential premises, and vehicles. The latest raids were prompted by several tip offs from members of the public and from the legitimate trade.

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

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

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

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Botulinum Toxin and Cosmetic Fillers (Children) Act 2021

From 1 October 2021 it is a criminal offence to administer botulinum toxin (commonly known as 'Botox') or a filler by way of injection for a cosmetic purpose to a person under 18 in England, even if they have the permission of someone over 18.

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

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

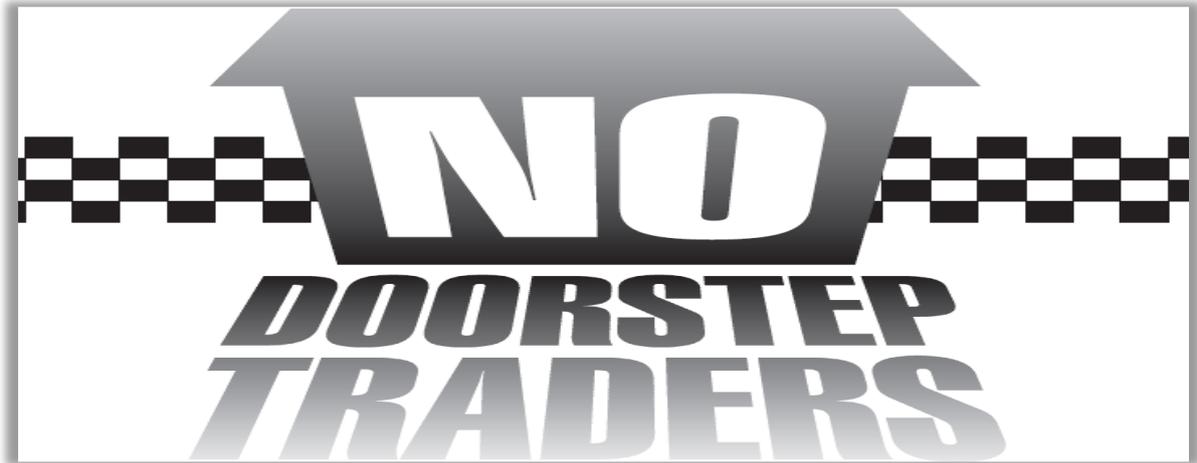
The prohibition aims to reinforce existing good practice within the cosmetics industry. The procedures carry risks to physical health, including infection, blindness and in rare cases death, and there are psychological implications associated with changing physical appearance.

Young people are particularly vulnerable as they are developing physically and mentally, and there are ethical implications around the extent to which they can give informed consent to procedures. Many practitioners choose not to perform these procedures on young people, but because the law did not expressly prohibit it, it was possible for a person under the age of 18 to undergo these procedures. This is no longer the case.

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

No Cold Calling Zones

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



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

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

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

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

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

There are currently some 50 such zones now implemented in Newcastle which cover some 49,292 households in Newcastle across some 23 wards.

The Trading Standards Service continues to look towards the implementation of some further No Cold Calling Zones (NCCZ).

For full details relating to the zones, including maps outlining the extent of the zones, please visit our website at newcastle.gov.uk/tradingstandards or email tradingstandards@newcastle.gov.uk.

E Cigarettes & Vaping Products

In November 2021 the Service acting upon local intelligence seized illegal e-cigarettes and vaping products worth more than £190,000.



The Elf and Geek Bar Pros which contained higher than permitted amounts of nicotine were being used by schoolchildren.

In the UK it is illegal to sell e-liquids with a nicotine strength of more than 20mg/ml. Most of the haul contained 50mg/ml – more than double the legal limit.

One vape refill is equal to 125 cigarettes and could be toxic if consumed by children.

The massive haul – 2,400 boxes or 24,000 bars - was seized last week from a former takeaway shop in the West End of Newcastle, by Newcastle City Council's trading standards team.

The investigation followed complaints from some schools in the city that pupils were using the e-cigarettes in school.

Trading Standards has now launched a criminal investigation, and charges could be brought against the owner of the haul.

Cabinet member for Housing and Regulation, Cllr Linda Hobson, said: "These e-cigarettes contain nicotine levels way above the legal limit which means they should not be being sold – particularly to children who might suffer toxic effects."

E Cigarettes & Vaping Products



“We want parents to know what they are so they can warn their kids not to take them.”

“I’d like to thank schools for bringing this to our attention and congratulate our Trading Standards team for investigating this, and taking this potentially dangerous haul off our streets.”

Newcastle’s Director of Public Health, Prof Eugene Milne, said: “Although nicotine per se is not the really dangerous part of smoking, and is safe in moderation, it should not be consumed by children and certainly not at these strengths which would only be permitted on prescription.

“While vaping products continue to play an important role in supporting tobacco smokers to switch to a less harmful form of nicotine, we must do all we can to prevent sales to children and to remove from sale products which do not comply with UK regulations.

The seized goods are being held at a secret location and could be destroyed if a magistrate grants the council a forfeiture order.

If anyone has concerns about a premises selling e-cigarettes to children, they are asked to email tradingstandards@newcastle.gov.uk with further details.

Notifiable Animal Diseases



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

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

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

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

On the 22 January 2022 an outbreak of avian flu was confirmed at the Ouseburn Farm 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 in Gateshead a further 10KM Surveillance Zone was declared across the city.

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

Pet Animals and Travel

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

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

Bringing your pet to Great Britain

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

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

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

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

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

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

Loan sharks

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



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

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

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

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

Loan sharks continued

The England Illegal Money Lending Team (IMLT) can help people who have been a victim of a loan shark. The national team are a law enforcement agency who work with local Trading Standards authorities across the country to investigate and prosecute illegal money lending and related offences. The team have previously prosecuted loan sharks for other forms of criminality, including drug offences, kidnap and even rape.



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

The IMLT have secured more than 380 prosecutions for illegal money lending and related activity, leading to nearly 328 years' worth of custodial sentences. They have written off nearly £72.5 million worth of illegal debt and have helped over 27,000 victims.

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

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

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

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

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

Sales of House Coal & Wet Wood

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

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

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

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

For further related guidance go to <https://www.gov.uk/guidance/domestic-solid-fuels-rules-for-local-authorities-in-england> .

Tenant Fees Act 2019

The Tenant Fees Act 2019 sets out the approach to banning letting fees paid by tenants in the private rented sector and capping tenancy deposits in England. The Act came into force on the 1 June 2019.

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

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

Doorstep Crime

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

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

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

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



Friends Against Scams

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

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

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

Allergens and Natasha's Law

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

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

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

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

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

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

You must provide allergen information:

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

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

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

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

Animal Licensing

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

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



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

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

Offensive Weapons Act 2019

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

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

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

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

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

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

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

Minimum Energy Efficiency Standards

What is MEES?

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

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

What is a EPC?

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

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

An EPC will tell you:

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

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

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

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

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

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

Non domestic properties

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

From 1 April 2023 an EPC rating of E rating will be needed for all existing leases.

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

More details about Energy Performance Certificates for your business premises can be found at <https://www.gov.uk/energy-performance-certificate-commercial-property>.

If you rent a property that does not have a EPC or has a failing EPC (and the landlord has not provide an exemption) you can report this to epc@newcastle.gov.uk

Consumer advice

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

For example, you may have had a poor standard of work from a builder, if you have having problem switching energy suppliers, or if a shop is refusing to take back a faulty product.

In these instances, the **Citizens Advice Consumer Service** provide the resident of Newcastle upon Tyne with advice and assistance on the behalf of Trading Standards. You can contact them by telephone on 0808 2231133 or by visiting their website at www.adviceguide.org, which contains guidance on the likes of purchasing a vehicle, problems with furniture, or buying goods over the internet.

If for example a trader is found to be persistently misleading consumers, or fraudulently trading, the information is then referred back to Trading Standards who will undertake a full criminal investigation.

Newcastle upon Tyne Citizens Advice also provides an advice service on consumer issues, debt, housing, employment, and benefits, amongst others.

They can be found at 4th Floor, City Library, Charles Avison Building, 33 New Bridge Street West, Newcastle upon Tyne, NE1 8AX, or can be contacted on 0344 245 1288. Newcastle upon Tyne Citizens Advice have a website www.citizensadvice-newcastle.org.uk and a contact email of citycab@newcastlecab.org.uk

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

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

For more information on how to contact Trading Standards

tradingstandards@newcastle.gov.uk

Animal Health and Citizens Advice Consumer Service 0808 2231133

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

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