

GATESHEAD METROPOLITAN BOROUGH COUNCIL
TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE MEETING

Thursday, 30 June 2016

PRESENT:

Councillor K Dodds (Chair) -	Gateshead Council
Councillor(s): T Graham -	Gateshead Council
Councillor(s): S Lambert -	Newcastle Council
M Lowson -	Newcastle Council
S Graham -	North Tyneside Council
J O'Shea -	North Tyneside Council
A Ellison -	South Tyneside Council
A West -	South Tyneside Council
J Perry -	South Tyneside Council
A Wilson -	Sunderland Council
J Blackburn -	Sunderland Council
M Mordey -	Sunderland Council
M Beck -	Sunderland Council

APOLOGIES:

Councillor M Foy -	Gateshead Council
Councillor L Scanlon -	Sunderland City Council
Councillor N Kemp -	Newcastle City Council
Councillor T Dixon -	South Tyneside Council

TW1 APPOINTMENT OF CHAIR

RESOLVED - That Councillor Kevin Dodds be appointed as Chair for the Municipal Year 2016/17.

TW2 APPOINTMENT OF VICE-CHAIR

RESOLVED - That the appointment of Vice Chair be deferred to the next meeting of the Committee.

TW3 CONSTITUTION OF THE COMMITTEE

RESOLVED - That the constitution of the Committee be for municipal year 2016/17 be noted.

TW4 MINUTES

RESOLVED - That the minutes of the meeting held on 25 February 2016 be agreed as a correct record.

TW5 PROVISIONAL OUTTURN REPORT 2015/16

The Committee has been advised of the provisional outturn for 2015/2016, subject to

the audit of Gateshead's accounts.

The Accounts and Audit Regulations 2011 classified The Tyne and Wear Trading Standards Joint Committee as a Smaller Relevant Body requiring it to complete an annual return and be externally audited. This requirement has now ended.

From April 2015 onwards the accounts of the Trading Standards Joint Committee will be reviewed as part of Gateshead Council's final accounts process.

RESOLVED - (i) That the information contained in the appendix to the report be noted.
 (ii) That the Audit Commission correspondence be noted.

TW6 REPORT AND STATISTICAL RETURN FOR THE QUARTER ENDING JUNE 2016

The Committee has been updated on the work of the Metrology Laboratory and provided with the statistical return for the quarter ending March 2016.

The laboratory continues to support the five authorities of Tyne and Wear, including the internal verification of DCATS portfolios for trading standards candidates. Disposal of illegal tobacco was also conducted for the five authorities.

The Laboratory Manager was asked by the Trading Standards Institute to represent North East Trading Standards Association region in a review of the professional qualification for trading standards.

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

A number of old cast iron weights were donated to Northumbria Police Diving team following a request from them. They will be used to hold a diver stationary on river bottoms whilst they are conducting searches. The diving team also brought their vehicles and boats to the weighbridge to have accurate weights for their equipment.

The laboratory was successfully audited by UKAS in January which continues the laboratory's accreditation and no discrepancies or improvements were found.

A number of cigarette samples were submitted to the laboratory for reduced ignition propensity and were found to be non-compliant with legislation.

The Committee were advised that there had been an error with regards to the income and the actual total income was £28213.19.

RESOLVED – That the information be noted.

TW7 LOCAL AUTHORITY ROUNDUP

The Committee has been advised of some of the highlights of the work of the Trading Standards officers from the five authorities.

Gateshead

Officers from Gateshead took part in an investigation involving food unfit for human consumption. A shop keeper was prosecuted for selling vodka which when tested did not contain the correct alcohol content of 37.5% and was only 23.3%. The retailer was fined £2,000 and as he was selling the vodka for less than the permitted unit price for alcohol he was also fined an additional £1,200. This prosecution has attracted national interest as it is the first of its kind.

South Tyneside

Officers have looked at persistent offenders in terms of under-age sales and two businesses were prosecuted. Work continues with regards to the Scams Project and officers have carried out an evaluation of No Cold-Calling Zones.

Sunderland

Sunderland Trading Standards took action against a cowboy builder who ripped off clients across the region. The builder was jailed for four years. Work is also being undertaken with landlords to highlight the dangers of blinds and blind cords in particular following some tragedies involving toddlers.

North Tyneside

Officers from North Tyneside have worked with Northumbria Police and Nat West Bank to host a scam awareness event which took place in the Whitley Bay Nat West in May.

Newcastle

A number of reviews of licenses have been undertaken as a result of Operation Henry 2 and Operation Beagle 4. Measures have been taken following reviews of the premises licences. Newcastle are also taking part in a Local Government Association Research Project to illustrate the work of Trading Standards.

RESOLVED - That the information be noted.

TW8

PSYCHOACTIVE SUBSTANCES ACT 2016

The Committee has been updated members on the implementation and effects of the Psychoactive Substances Act 2016 which came into force on 26 May 2016.

The Act creates a number of criminal offences that cover the supply of psychoactive substance. These will apply across the UK and include:

- The production of a psychoactive substance

- The supply or offer to supply a psychoactive substance
- The possession of a psychoactive substance with the intent to supply
- The import or export of a psychoactive substance
- The possession of a psychoactive substance in a custodial institution

There are a large number of substances which are completely exempted from the Act because they are fully regulated by existing laws such as:

- Food
- Any medicinal products (defined by Human Medicines Regulations 2012)
- Alcohol
- Controlled drugs
- Nicotine and tobacco products
- Caffeine

All of the substances which were covered by the Intoxicating Substances (Supply) Act 1985 will now be covered by the Psychoactive Substances Act 2016. They will be the primary focus for retailers, including the following:

- Solvent Based glues
- Correction fluid / thinners
- Marker pens
- Any kind of aerosols
- Anti-freeze
- Nail varnish / nail varnish remover
- Nitrous oxide canisters (such as those used in whipped cream dispensers)

RESOLVED - That the information be noted.

TW9 UPDATE ON NEW LEGISLATION AFFECTING COLD CALLING BY TELEPHONE

The Committee has been advised on the latest development, with respect to the fair trading issues which concern cold calling by telephone.

On 16 May 2016 the Privacy and Electronic Communications (EC Directive) (Amendment) Regulations 2016 came into force. These regulations amend the Privacy and Electronic Communications (EC Directive) Regulations 2003, so as to require that persons making or instigating calls for direct marketing purposes do not prevent presentation of the identity of the calling line on the called line.

The Government and Trading Standards services have quite clearly recognised that the number of complaints has risen in the past decade and the issue is particularly acute for the elderly and housebound and as such calls can cause distress and anxiety.

Consumers should always:

- Ask cold callers to remove their information from their records
- Find out the caller's number from a landline by dialling 1471 after the call

- Check with their phone company to see if they can be made ex-directory
- Report any concerns through to the Citizens Advice Consumer service on 03454040506

Consumers should never:

- Give away personal or financial information, even if callers claim to be from a company they know.
- Lose their temper, be firm and hang up if the caller refuses to go away
- Call back phone numbers left on your voicemail, or reply to text messages you don't recognise.

RESOLVED - That the information be noted.

TW10 REPORT OF THE GOVERNMENT'S CUTTING RED TAPE REVIEW PROGRAMME

The Committee received a report on the Government's "Cutting Red Tape Programme". The Cutting Red Tape review programme was launched by the Government in July 2015 with a pledge to cut £10billion in 'red tape' over the course of the current parliament. It has been implemented as a rolling programme of reviews of various sectors, including house building, childcare, energy, agriculture and local authorities.

The Cutting Red Tape review of local authorities is being led by the Cabinet Officer, the Department for Communities and Local Government (DCGL), and the Department for Business, Innovation and Skills (BIS), and applies to English local authorities only.

The review encouraged businesses and trade associations to inform the Government how it might cut red tape and reduce bureaucratic barriers to growth and productivity within their sector. In particular, those conducting the review sought evidence on issues ranging from how inspections and visits are conducted and how data is requested through to guidance, advice and how accountable and responsive local authorities are to business needs.

Local Authorities have also been invited to comment as part of the review process and Newcastle City Council Trading Standards Officer has collated a response on behalf of NETSA,

Local Authorities feel that they support legitimate business and only target rogue traders. Over the past several years there has been a move away from routine visits and only visit business as a result of complaints or other forms of intelligence. It has been highlighted that one of the main areas of regulatory cause for concern is Health and Safety.

The Red Tape Review is now closed for comment. Officers will advise the Committee once the outcome of the review is known.

RESOLVED - That the information be noted

TW11 UNSAFE ELECTRICAL CHARGERS

The Committee has been informed of how the testing facilities at the laboratory assist officers with investigations.

In April 2016 North Tyneside trading standards received information from the Product Safety at Ports Project Team that they had examined a parcel destined for an address on an industrial estate in North Tyneside. They believed that the novelty pens contained within the parcel contravened safety legislation.

Based on the intelligence received, officers visited the warehouse and including the goods mentioned there were also electrical items. Amongst the electrical items were around 300 AC adaptors used to charge Apple devices and around 100 universal travel adaptors for charging devices such as laptops and mobile phones.

Samples of the products were tested at the Tyne and Wear Laboratory and within a couple of days the laboratory was able to inform officers that the items were found to be electrically unsafe. Some of the chargers posed a risk of electric shock to its users.

It is considered that this investigation demonstrates the value of the work of the laboratory and of the Product Safety at Borders and Ports Project.

RESOLVED - That the information be noted.

Chair.....