

TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE AGENDA

Thursday, 30 June 2016 at 10.00 am in the Whickham Room - Civic Centre

From the Chief Executive, Jane Robinson

Item	Business
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1.	Appointment of Chair
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	The Committee is requested to appoint a Chair for the 2016/17 Municipal Year
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2.	Appointment of Vice-Chair
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	The Committee is requested to appoint a Vice-Chair for the 2016/17 Municipal Year
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3.	Constitution of the Committee
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	The Committee is asked to note the following members and substitutes have been appointed by the constituent authorities.
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Authority	Members	Substitutes
Gateshead	Councillor K Dodds Councillor M Foy Councillor T Graham Councillor C Ord	Councillor M Brain Councillor S Hawkins
Newcastle	Councillor N Kemp Councillor S Lambert Councillor M Lowson Councillor D Huddart	Councillor G Kane
Sunderland	Councillor J Blackburn Councillor M Mordey Councillor L Scanlon Councillor A Wilson	Councillor M Beck Councillor D Snowdon Councillor J Fletcher Councillor K Waters
South Tyneside	Councillor T Dixon Councillor A Ellison Councillor J Perry Councillor A West	Councillor A Kerr Councillor A Donaldson
North Tyneside	Councillor S Graham Councillor J O'Shea Councillor P Oliver Councillor C Johnson	Councillor G Bell Councillor C Davis Councillor F Lott Councillor L Spillart

4.	Apologies for Absence
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5. Minutes (Pages 3 - 8)

The Joint Committee is asked to approve as a correct record the minutes of the previous meeting.

6. Provisional Outturn Report 2015/16 (Pages 9 - 16)

Report of the Strategic Director, Corporate Resources

7. Report and Statistical Return for the Quarter Ending June 2016 (Pages 17 - 20)

Report of the Strategic Director, Communities and Environment, Gateshead Council

8. Local Authority Roundup (Pages 21 - 26)

Report of the Strategic Director, Communities and Environment, Gateshead Council

9. Psychoactive Substances Act 2016 (Pages 27 - 32)

Report of the Strategic Director, Communities and Environment, Gateshead Council

10. Update on New Legislation Affecting Cold Calling by Telephone (Pages 33 - 34)

Report of the Strategic Director, Communities and Environment, Gateshead Council

11. Report of the Government's Cutting Red Tape Review Programme (Pages 35 - 42)

Report of the Strategic Director, Communities and Environment, Gateshead Council

12. Unsafe Electrical Chargers (Pages 43 - 44)

Report of the Strategic Director, Communities and Environment, Gateshead Council

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

Thursday, 25 February 2016

PRESENT: Councillor K Dodds

Councillors: T Graham and C Ord – Gateshead Council
Councillors: S Lambert, N Kemp, M Lowson and D Huddart –
Newcastle City Council
Councillor J O'Shea and S Graham – North Tyneside Council
Councillor J Perry, A Kerr and A Donaldson – South Tyneside
Council
Councillor J Blackburn, M Beck, D Macknight and L Scanlon –
Sunderland City Council

TW1 APOLOGIES FOR ABSENCE

Apologies for Absence were received from Councillors West, Dixon and Macmillan, South Tyneside Council.

TW2 MINUTES

RESOLVED - That the minutes of the meeting held on Thursday 26 November 2015 be agreed as a correct record.

TW3 REVENUE ESTIMATES 2015/16 TO 2018/19

The latest estimate for the Tyne and Wear Trading Standards Joint Committee and Metrology Laboratory has been prepared taking into account any variations from the original budget. The latest estimate for 2015/16 is £218,869, which is on target with the original budget. This takes into account salary slippage and premises costs, but also an increase in income arising from providing additional services to other organisations.

The base estimates for 2016/17 to 2018/19 have been prepared taking into account previous guidance provided by the Tyne and Wear Leadership Group.

- RESOLVED -
- (i) That the latest estimate of £218,869 for 2015/16 be approved;
 - (ii) That the base budgets of £218,869 for 2016/17 and £219,151 for 2017/18 and £219,409 for 2018/19 be approved;
 - (iii) That a quarterly update report showing income against expenditure be provided to the Committee.

WORK OF THE NATIONAL ILLEGAL MONEY LENDING TEAM IN THE NORTH EAST

The Committee received a presentation from Cath Wohlers of the National Illegal Money Lending Team, hosted by Birmingham City Council on the work of the team to stop loan sharks.

There have been various operations in Hartlepool, South Tyneside, Gateshead, Newcastle, North Tyneside and Sunderland.

Some of the perpetrators have been taken to trial and in other cases investigations are still ongoing. It has been found that most loan sharks plead guilty in order to take a reduced sentence. Often other offences have been committed such as blackmail which carries a 14 year sentence.

The team provide a high level of victim support and a support officer is allocated to each witness, this officer will make sure all of the needs of the victim are met. Where victims are afraid to return to their properties it is within the power of the team to on occasion arrange for re-housing if the safety of the victim is felt to be an issue. Protocols are set up with Housing Associations in order to make sure properties are highlighted if needs be.

It has been found that on many occasions the threats made by loan sharks are perceived to be real but often are not carried out. Often during investigations when finances of the perpetrators are looked at there can be claims made during the court process for compensation orders, however, loan sharks tend to keep pretty poor records, although there have been some occasions where bank records have provided evidence.

The team use proceeds of crime money to sponsor credit union accounts and to hold community events. The team support victims through the court process but also provide support post the court date.

Any information is taken anonymously and in confidence, if victims are not willing to give the name then they aren't pushed and the team look for corroborating evidence in order to proceed to court.

Often in order to make in-roads into a community, the team take part in community events and offer services such as dog chipping in order to provide information on the team. Local agencies have been asked to come together to pledge support.

Cath advised the Committee that education is key for prevention and Education Packs are available for both primary and secondary schools along with lesson plans for teachers.

The Committee felt that the presentation was very informative and thanked Cath for her time.

RESOLVED -

That the information in the presentation be noted.

TW5

REPORT AND STATISTICAL RETURN FOR THE QUARTER ENDING DECEMBER 2015

The Committee received a report on the work of the Joint Metrology Laboratory for the quarter ending December 2015.

The laboratory has continued to support the five authorities of Tyne and Wear and has also provided training in metrology for Trading Standards candidates to sit the professional examinations at National Measurement Regulatory Office.

The laboratory has continued its work around Aid and Advice to Industry, EC Verifications, UKAS Calibrations and Toy Safety. The Chemical Testing for PAT 3 of toys has now been withdrawn. Currently this equipment is being used to test for lead in play equipment. Gateshead officers are checking playground equipment for lead.

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

TW6

TESTING OF HOVERBOARDS

The Committee received a report to inform them of the involvement of the Metrology Laboratory in the testing of the electrical safety of the wheeled appliances commonly referred to as hoverboards.

There was a number of reports in the media on the run up to Christmas with regards to the fire risk caused by these items. Officers from Tyne and Wear procured boards from sellers in the region and submitted them to the Metrology Laboratory for an opinion on electrical safety. Boards were also submitted to the Lab by Northumberland County Council for testing.

The main problem has been found to be with the chargers as they are converted laptop chargers and have been found to be over-charging.

There was not just a problem in Tyne and Wear, approximately 150,000 were taken out of market places. A number of Hoverboards have been sold by traditional stores. Officers have reacted very quickly and made sure the message has been delivered to the public.

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

TW7

RIP TESTING BRAND FAILURES

A report was presented to the Committee to inform them of the failures found in testing for the reduced ignition propensity of cigarettes for the calendar year 2014 to 2015 and the difficulties that Trading Standards faces in removing these products from the market place.

The samples were submitted to the Metrology Laboratory from a wide range of UK

Local Authorities and the failures reveal that a mixture of counterfeited products and so called cheap whites are causing problems associated with house fires caused by discarded ignited cigarettes.

There are a number of different brands that are being made available bypassing the normal supply chain with its inherent legal requirements in health and taxation.

The testing which has been undertaken by the Metrology Laboratory has been presented in court on numerous occasions and has resulted in successful prosecutions under Consumer Protection Legislation.

The Committee were asked to approve that the Metrology Laboratory invest more resources into expanding testing for Reduced Intensity Propensity in cigarettes.

The Committee were asked to approve the Metrology Laboratory to target the 87% of local authorities who are not using these tests as part of their enforcement strategy.

The Committee were asked to approve a licensing regime for tobacco products which would allow an income stream into Trading Standards being able to conduct this important work in health and fire safety.

- RESOLVED -
- (i) That the Metrology Laboratory invest more resources into expanding testing for Reduced Intensity Propensity.
 - (ii) That the Metrology Laboratory be approved to target Local Authorities who are not currently using this test.
 - (iii) That the Committee support a licensing regime for tobacco products which would allow an income stream into Trading Standards to conduct this work.

TW8

EXTENSION OF NOTIFIED BODY STATUS TO NORTH EAST

The Committee were presented with a report on a proposal to merge the existing Notified Body 0520 Tyne and Wear Trading Standards with Northumberland, Durham and extend into Darlington, Middlesbrough, Stockton, Redcar and Hartlepool for the purposes of the Non-Automatic Weighing Instruments Regulations 2000 and (Various) Measuring Instruments Regulations 2006.

The existing Notified body performs verification activities under the European legislation upon weighing and measuring instruments first placed onto the market as a third party verification organisation. To be notified, the Secretary of State has to consider the competence of the body and when satisfied, notifies the commission, the Metrology Laboratory has held this status since 1993. Due to recent changes to the Directives which are the source of the regulations we operate this activity under, the commission has ordered that all such bodies be re-notified by the end of March 2016. It therefore seemed an appropriate time to consider the continuance and viability of this service provision in its current format in the North East.

The proposal is to create a regional Notified body encompassing the whole NETSA region, based upon the existing shared arrangements in the Tyne and Wear Notified body system, Leader Authority to remain as Gateshead MBC. A SWOT analysis has been produced for the proposal.

Other Notified bodies in the UK do actively market their services and area effectively in competition with us in this respect as there is no barrier to conducting such work outside the Authority area.

The Committee expressed concern that this was something which may need to be taken to the legal advisers in each authority and also to the individual authorities to agree. It was felt that this was something which should be deferred to a future meeting once the position has been clarified.

RESOLVED - That the item be deferred until further clarification on the legal implications of entering into this agreement are sought.

TW9

SHARING BULK FUEL CAPABILITY WITH NORTHUMBERLAND COUNCIL

The Committee received a report on a proposal to share costs (not ownership) of the specialist bulk fuel testing equipment with Trading Standards for Northumberland.

The current reference meter used in the inspection of small fuel tankers that typically supply central heating oils to customers not connected to mains gas is operated by the metrology laboratory on behalf of the five Tyne and Wear authorities.

The calibration costs of the unit are large and involve taking the unit to Warwickshire on a six monthly cycle. Northumberland have a number of hauliers and currently hire the bulk fuel meter from Tees Valley Measurement in Middlesbrough at a premium price per day of hire. It is proposed that Tyne and Wear and Northumberland share the calibration costs on an annual basis and Northumberland be allowed to use the meter as and when the need arises.

RESOLVED - That the proposal to share calibration costs with Northumberland be approved in order that savings can be made by both parties.

TW10

UPDATE ON THE LGA REVIEW OF TRADING STANDARDS

The Committee received a report to provide an update on the Review of Trading Standards.

The review was carried out by the Chartered Trading Standards Institute (CTSI). The objective of the review was to understand what local government needs from its trading standards services and consider the options for the future of the service, with a view to outlining a series of recommended next steps to further explore and take forward.

The review undertook a short survey of English trading standards authorities, established a stakeholder group comprising, councillors, council chief executives and directors and representatives of the Association of Chief Trading Standards Officers, ran a series of interviews with members of the stakeholder group and held a stakeholder group workshop to discuss key issues identified in a project discussion paper with a view to be reported back to the LGA SSCB in early December 2015.

Key findings of the review were that Trading Standards should remain integration within Local Government Framework. The review also found there were mechanisms in place for managing regional, local and national priorities, for example the National Money Lending Team and the Scambusters team.

Currently Trading Standards enforce over 200 pieces of legislation with no priorities over what should be enforced.

The review has been welcomed by the LGA and will be used to look at ways of providing services in the future. It is felt that the best way is by providing joint services.

RESOLVED - That the information in the report be noted.

TW11 **MEETING SCHEDULE FOR 2016 - 2017**

RESOLVED - That the dates following dates for the 2016/17 municipal year be noted.

Thursday 30 June 2016
Thursday 22 September 2016
Thursday 24 November 2016
Thursday 16 February 2017



Report to the Tyne and Wear Trading Standards Joint Committee

30 June 2016

Provisional Outturn as at 31 March 2016

Darren Collins, Strategic Director, Corporate Resources, Gateshead Council

Purpose of Report

1. To advise the Joint Committee of the provisional outturn for 2015/16, subject to the Audit of Gateshead's Accounts and to acknowledge the recent Audit Commission correspondence.

Background

2. The Accounts and Audit Regulations 2011 which classified The Tyne and Wear Trading Standards Joint Committee as a Smaller Relevant Body requiring it to complete an annual return ended in March 2015. The requirement for an annual return to be completed and externally audited has now ended.

From April 2015 onwards the accounts of the Trading Standards Joint Committee will be reviewed as part of Gateshead Councils Final Accounts process.

Recommendation

3. The Joint Committee is recommended to -
 - Be advised of the details contained in the provisional outturn report at Appendix 1 and 2.
 - Acknowledge the Audit Commission correspondence at Appendix 3.

Contact: Leanne Barrow – Ext. 2775

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Provisional Outturn 2015/16 for The Tyne and Wear Trading Standards Joint Committee


	Year Ending		
	31 March 2015 £ Restated	31 March 2016 £	
1 Balances brought forward	-78,599	-80,712	Total balances and reserves at the beginning of the year as recorded in the Committee's financial records.
2 (+) Income from local taxation and/or levy	-218,869	-218,869	Total amount of local tax and/or levy received or receivable in the year including funding from a sponsoring body.
3 (+) Total other receipts	-111,649	-130,810	Total income or receipts as recorded in the cashbook less income from taxation and/or levy (line 2). Include any grants received here.
4 (-) Staff costs	198,575	202,915	Total expenditure or payments made to and on behalf of all body employees. Include salaries and wages, PAYE and NI (employees and employers), pension contributions and employment expenses.
5 (-) Loan interest/capital repayments	0	0	Total expenditure or payments of capital and interest made during the year on the body's borrowings (if any).
6 (-) All other payments	129,830	115,569	Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).
7 (=) Balances carried forward	-80,712	-111,907	Total balances and reserves at the end of the year. Must equal (1+2+3) – (4+5+6).
8 Total cash and short term investments	113,366	148,234	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – to agree with bank reconciliation.
9 Total fixed assets plus other long term investments and assets	38,983	38,983	The original Asset and Investment Register value of all fixed assets, plus other long term assets owned by the body as at 31 March.
10 Total borrowings	0	0	The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).

CONSOLIDATED REVENUE ACCOUNT FOR THE YEAR ENDED 31 MARCH 2016

2014-15		2015-16	
Actual		Budget	Actual
	<u>METROLOGY LABORATORY</u>		
	<u>Expenditure</u>		
	<u>Employees</u>		
198,525	Direct Pay	185,398	195,181
50	Indirect Pay	1,137	7,734
	<u>PREMISES</u>		
13,641	Repairs & Maintenance	15,709	15,554
9,324	Utilities	11,707	8,626
8,125	Rates	8,227	8,280
16,368	Rent	4,966	12,797
	<u>TRANSPORT</u>		
321	Car Allowances	1,292	180
0	Use of T&C Fleet	0	0
0	Depreciation - Vehicle	0	0
1,959	Vehicle Running Costs	1,011	3,628
	<u>SUPPLIES & SERVICES</u>		
29,170	Furniture & Equipment	13,148	18,380
11,798	NAMAS Fees	6,024	13,438
3,846	Telephones	1,240	3,910
2,143	Printing & Stationery	1,898	2,212
1,195	Insurance	267	267
772	Postage	235	1,529
719	Miscellaneous	809	284
	<u>AGENCY</u>		
4,580	Hire of Weighbridge Testing Unit	4,970	4,240
13,072	<u>CENTRAL ADMIN</u>	13,072	13,072
	Increase/Decrease in Prov for Bad Debts		
	Bad Debts Written Off		
	<u>JOINT COMMITTEE</u>		
0	Conference Expenses	3,519	0
12,167	Central Admin	12,166	8,373
630	Audit Fee	914	800
328,405	Total Expenditure	287,709	318,484
	<u>INCOME</u>		

111,649	Fees & Charges	68,840	130,810
218,869	Levy on Constituent Authorities	218,869	218,869
107,220	Total Income	287,709	349,679
2,113	Movement to Reserves		31,195

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 Accounts

Private and Confidential

Ms L Barrow
Tyne and Wear Trading Standards Joint Committee
Corporate Finance, Finance and ICT
Gateshead Council, Civic Centre
Regent Street
GATESHEAD
Tyne & Wear
NE8 1HH

Date 14 March 2016
Our ref: 2016/A3/TYNE04
Ext: **DF** 023 8088 + ext (1911)
E-mail: councilaudits@bdo.co.uk

Dear Ms Barrow

Limited Assurance Review for year ending 31 March 2016 and 31 March 2017

The statutory requirement for joint committees to have an annual review of the annual return, ceased with the passing of the Local Audit and Accountability Act 2014. Instead of the joint committee requiring an audit it was envisaged that the transactions of the joint committee would be reflected in the host authority's accounts.

A number of joint committees have approached us and would like to continue with an annual review. We have therefore decided to explore this and we can provide a service which would be similar to what you have experienced in previous years.

- We would be offering an annual review based on agreed upon procedures.
- We would provide you with a form similar to the annual return that you are used to and request supporting documentation to enable us to complete the work.
- We would provide you with a report at the end.
- The service would operate under the same basic fee scales* as the Limited Assurance Regime, except for the joint committees that were previously charged a £nil fee, and these would be charged £100 plus VAT.

*The fee scales would apply providing all information was provided. If we are missing information, there would be a small fee for any additional work undertaken, similar to the Limited Assurance Regime.

If you would like to continue to have a review of your accounts then we will need confirmation from your host authority that they are in agreement with this. Please note the transactions of the joint committee must also be incorporated into the host authority's accounts. If you would like further information, please contact Louise Caplen on 023 8088 1911 or email councilaudits@bdo.co.uk.

Yours sincerely



For and on behalf of BDO LLP



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

30 June 2016

**Report and Statistical Return for the Quarter
Ending March 2016**

Paul Dowling, Strategic Director, Communities and Environment, Gateshead Council

Purpose of the report

To inform the Committee of the work of the Joint Metrology Laboratory for the quarter ending March 2016.

Metrology Laboratory – Operational

1. The laboratory continues to support the five authorities of the Tyne and Wear region offering specialist services, equipment and personnel.
2. Internal verification of DCATS portfolios for trading standards candidates continues with a Gateshead employee and continuing supervision was provided for a Northumberland employee.
3. Disposal of illegal tobacco was conducted for the authorities.

Contribution to National Objectives

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

Aid and Advice to Industry and Organisations

5. Local weighing machine repairers, chemical, pharmaceutical and aeronautical companies continue to submit their test weights, scales and length measures for calibration and equipment hired to weighing machine repairers.
6. The laboratory has been asked by industry to supply new weights for various customers and this has been facilitated.
7. A number of old cast iron weights were donated to Northumbria Police Diving team after a request from them. These weights are to be used to hold a diver stationary on river bottoms whilst they are conducting searches.
8. The Diving team also brought their vehicles and boats to the weighbridge to have accurate weights for their equipment.

EC Verifications

9. During this period, 1 request for EC verification was received resulting in 1 EC approved filling machine being verified for trade use.

UKAS Calibrations

10. Weights continue to be submitted for calibration and the issue of UKAS Calibration Certificates for 823 weights. The laboratory was successfully audited by UKAS in January which continues the laboratory's accreditation and no discrepancies or improvements were found.

Toy and Consumer Safety

11. Only a few Samples were submitted by the authorities and were found to be compliant with legislation.

Electrical Safety

12. Samples for testing were submitted to the laboratory and these again consisted of mobile phone chargers and were found to be non-compliant with the relevant legislation.

Cigarette Samples

13. A number of samples of cigarettes, namely 23, were submitted to the laboratory for reduced ignition propensity and were found to be non-compliant with legislation.

Statistical Return

14. The statistical return for the period January to March 2016 is contained within Appendix 1.

Recommendation

15. The Committee is asked to note the report and statistical information.

METROLOGY LABORATORY
STATISTICAL RETURN FOR THE QUARTER ENDING March 2016

Activity	Number	Income
S.74 (4) (b) verifications S73107	45	564.49
UKAS Accredited calibrations S73074-01	823	13633.23
Toy / Electrical tests S74014	-	-
Weighbridge S73104-01	284	1251.67
Hire of weights S73104	-	-
PAT testing S76034-01		2719.96
EC Verification	1	141.55
RIP testing S73104	23	5200.00
Income (excl. VAT)		23 510.90
VAT		4702.29
Total Income (inc VAT)		280213.19

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

30 June 2016

Local Authority Roundup

Paul Dowling, Strategic Director, Communities and Environment, Gateshead Council

Purpose of the report

To inform the committee of some of the work undertaken by Trading Standards across the Tyne and Wear region.

Gateshead

1. Trading Standards led an investigation in relation to a retailer exposing for sale food which was unfit for human consumption. This was in fact Kommisar Vodka which when tested did not contain the correct alcohol content of 37.5% in fact the alcohol content was only 23.3% ABV. The retailer was fined £2000 for the offences. The court also heard that the trader was selling the vodka for £7.99 which meant that the sale was less than the permitted unit price for alcohol which should have been £8.89, a breach of a condition on their licence conditions. They were fined an additional £1200 for this offence. This has gained much interest nationally as it is the first of its kind.
2. The authority continues to deal with sales of illegal tobacco from private houses and sales of counterfeit goods on Facebook. A recent seller of Turner hand rolling tobacco that failed to comply with the correct labelling and health warnings, was fined £1000. Another seller was prosecuted for selling and having in their possession Turner hand rolling tobacco and was sentenced to a community order (8 week curfew) and costs of £325.
3. In attempts to help protect vulnerable people an officer is working with Northumbria Police to visit victims of online and postal fraud such as repeat scam mail etc. The officer is linking in to the referrals we receive from the National Trading Standards Scams Team and their current data from Action Fraud or complaints direct.

South Tyneside

Tackling Underage Sales

4. We improved the way we record and analyse intelligence about underage sales to ensure that our resources are directed at problem traders. This targeted approach led to us taking action against two businesses which, on the basis of information received, were suspected of being persistent sellers of age-restricted products to young people. One business sold alcohol to an underage volunteer and we applied for a review of the premises licence. This resulted in a three-

month suspension of the licence and the attachment of a number of conditions to the licence aimed at preventing further underage sales. The second business sold cigarettes to an underage volunteer. Legal proceedings were instituted against the seller who was fined for the underage sale and was also convicted for breaching the tobacco display ban in what was one of the first prosecutions of its type in the country. In both cases local press publicity was generated, reinforcing the message that Trading Standards will take action against those businesses that flout the law and encouraging members of the public to report any concerns they may have about underage sales to us.

Scams Project

5. We continued our work on the National Trading Standards Scams Team project to identify and support scam victims who reside in South Tyneside. So far, over 130 visits have been carried out to local residents who have all been given advice and assistance on what to do about unwanted contact by post and/or telephone. 40 'priority referral' residents have also been visited. In the case of priority referrals, post destined for scammers has been intercepted and people who have sent money away are able to have it returned to them. A pilot project to assess the effectiveness of telephone call blocking devices was also completed last year. The findings were very encouraging and we purchased a further two devices, increasing our capacity to four. Scam and nuisance telephone calls to high-risk victims are minimised by means of a unit installed in the victim's home by Trading Standards for a three-month period. The unit allows the resident to continue to take calls from friends and family. Ten residents have had a unit installed so far and, in all cases, analysis of call data has shown a significant reduction in the number of scam and nuisance calls which continues after the unit has been removed. Over 1500 such calls have been blocked in this way so far.
6. A member of the Trading Standards team received an Outstanding Employee Award earlier this year as a result of her efforts to tackle scams and address other consumer issues.

Evaluation of No Cold-Calling Zones

7. In order to tackle doorstep crime and to provide reassurance to residents, South Tyneside Council Trading Standards team operates 13 No Cold-Calling Zones (NCCZs). These zones protect over 1100 residential properties, the majority of which are occupied by older or more vulnerable residents. In 2015/16, we conducted a survey to evaluate the ongoing effectiveness of the zones by sending a short questionnaire out to every address located within a zone. It was very encouraging to find that 86% of respondents indicated that they have felt safer since the introduction of the NCCZ, with 80% reporting a reduction in the number of unwanted doorstep callers they receive. Furthermore, 88% of those who replied reported that being in an NCCZ had given them the confidence to send any such callers they do receive away.

Sunderland

8. A cowboy builder who ripped off clients across the region was jailed for four years after action by Sunderland Trading Standards. In some cases the builder completed work that a surveyor described as being to a poor DIY standard. In

other cases he took money and did little or no work. There were over 40 complainants about the builder and Sunderland Trading Standards worked with the North East Scambusters Team to bring him to justice.

9. There have been a number of tragic cases where toddlers have become trapped in the cords from blinds and been strangled. Sunderland Trading Standards attended an event for the Landlords Forum in Sunderland highlighting the risk presented by blind cords and demonstrated devices designed to prevent the strangulation risk. The advice was well received and the landlords made a commitment to child proof their premises.
10. A North Tyneside car dealer was prosecuted for selling a car to a consumer without informing them that it had twice been a category C write off. The consumer would never have bought the car had she known its accident history. The trader had previously been advised of his responsibilities by officers from North Tyneside Council. Following a not guilty plea and a trial the trader was found guilty, fined and ordered to pay compensation to the complainant.

North Tyneside

Illicit tobacco

11. On 3rd June 2016 a North Tyneside retailer pleaded guilty to 8 Consumer Protection offences at North Tyneside Magistrates' Court. He was fined a total of £630. The case came to court after two specialist sniffer dogs helped find a hidden stash of illegal tobacco in an off licence in North Shields. The dogs, which can detect counterfeit or illegal tobacco, were used in a joint operation with Northumbria Police. They are trained to locate tobacco in hidden concealments, such as in ceiling areas, behind panels and under floorboards.
12. Based on intelligence received, searches were carried out at the premises. Two hidden compartments beneath shelving under the store's counter were discovered. Inside were dozens of packets of Super King and Mayfair cigarettes as well as hand rolling Turner tobacco. The seized items were a mixture of counterfeit products and those that had no duty paid. The cigarettes were also tested by the Gateshead laboratory to see if they would pass the reduced ignition propensity requirements for cigarettes (This is a safety requirement that requires all lit cigarettes to extinguish when put down). All of the cigarettes failed.
13. At present, the Tyne and Wear Metrology Laboratory is one of only a few Local Authority Laboratories conducting Reduced Ignition Propensity testing for cigarettes. The cigarettes were ordered by the court to be forfeited and destroyed.

Scams awareness event

14. North Tyneside Trading Standards worked together with Northumbria Police and Nat West Bank to host a Scam awareness event held in the Whitley Bay Nat West branch in May. NatWest Bank have been working with trading standards staff across England to educate the bank staff and customers on doorstep crime, scams and other frauds.

15. The team at NatWest Bank has worked hard to help their customers gain a greater understanding of consumer fraud and they have started to implement a referral policy for safeguarding and fraud prevention purposes.

16. Officers were present to offer advice/information on all sorts of scams etc. to the public.

Newcastle

Licensing Reviews.

17. Following the work conducted with commercial dog teams under Operation Beagle 4 and Operation Henry 2, where significant quantities of non-duty paid alcohol and tobacco were seized from four off-licences across the city; Reviews of the various Premises Licences were initiated. The details and outcomes as subject potentially to appeal, are as detailed below:

Premises	Dates of Seizures	Goods Seized	Date of Hearing	Outcome
JA Mini Market, 813-815 Welbeck Road, Walker.	3 February 2016	37 bottles of "Glen's vodka" and 25 bottles of "Smirnoff vodka".	12 April 2016	Warning to be placed on Premises Licence.
Best on the West Road, 160-162 West Road, Fenham.	2 December 2015.	172 bottles of "Glens Vodka", 121 bottles of "Smirnoff Vodka" and 50 bottles of "High Commissioner whisky" 2,040 Illegal cigarettes.	26 April 2016	Revocation.
Continental Deli, 56 Shields Road, Byker.	2 December 2015 & 14 March 2016	Seizure 1. 10,380 illegal cigarettes Seizure 2. 51 x 5 litre red 'wine' 4 x 5 litre white 'wine' 5 x 5 litre empty cartons & 1,620 illegal cigarettes.	1 June 2016	Revocation
VG Foodstore, Kingston Park.	September 2014. HMRC operation. Conviction for offences March 2016 as published in the "Chronicle".	Two vans outside premises, found to contain 709 litres of illicit spirits. Plus 23, one litre vodka bottles seized from premises.	1 June 2016	Convicted individual not to be involved with operation and management of business. Suspension of Premises Licence for 3 months.

18. Press coverage following the decisions made by the Licensing Committee can be found at: <http://www.chroniclive.co.uk/news/north-east-news/booze-ban-west-end-shop-11251846> & <http://www.chroniclive.co.uk/news/north-east-news/byker-deli-illicit-tab-drink-11418131>

No Cold Calling Zones.

19. Consultations with residents on proposals to implement No Cold Calling Zones continue to progress. Two new zones in North/South Jesmond and Dene ward and an extended zone in Fenham ward have now been implemented after the positive responses received from residents to the related proposals. Sixty six zones have now been implemented, covering some 37,005 households across twenty two wards in Newcastle.
20. Recent intelligence from residents in one established No Cold Calling Zone, where representatives from one home meal delivery business were calling on doors in the zone, led to a referral through to the Home Authority of the company.

Local Government Association Research project.

21. Following a request made from the LGA, the Trading Standards service recently hosted for a day, Professor John Raine from INLOGOV at the University of Birmingham. Newcastle has been selected as a case study to illustrate the work of Trading Standards which will appear in a publication, which will be sent through to all elected Members in England.

Recommendation

22. The Committee is asked to note the information.

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

30 June 2016

Psychoactive Substances Act 2016

Paul Dowling, Strategic Director, Communities and Environment, Gateshead Council

Purpose of the report

To update the Committee on the implementation and effects of the Psychoactive Substances Act 2016 that came into force on 26 May 2016.

The Safety Issue

1. The UK has seen the emergence of new substances or products that are intended to mimic the effects of traditional controlled drugs such as cannabis, cocaine, amphetamine and MDMA (ecstasy). These are collectively known as new psychoactive substances ("NPS").
2. These new substances - together with other substances that have been used as intoxicants for many years (for example, nitrous oxide) - are often referred to as "legal highs".
3. The main source of supply of new or emerging psychoactive substances is currently and historically through 'headshops', small, specialised shops which market 'legal highs' and drugs paraphernalia. The Psychoactive Substances Act 2016 is focussed on closing down the sale of unregulated and frequently harmful substances for consumption. This industry will also be the focus of enforcement monitoring and action primarily by the Police Services. The substances of concern associated with headshops are rarely, if ever, sold by legitimate retailers.
4. However the Act will have implications for legitimate retailers too, which in many cases will sell psychoactive substances (as defined by the Act) entirely legitimately, such as solvents and butane.

The Act

5. It creates a number of criminal offences covering the supply of a psychoactive substance. These will apply across the UK including:
 - Producing a psychoactive substance
 - Supplying, or offering to supply, a psychoactive substance
 - Possession of a psychoactive substance with intent to supply it
 - Importing or exporting a psychoactive substance
 - Possessing a psychoactive substance in a custodial institution

6. The Misuse of Drugs Act 1971 will continue to be the main piece of domestic drug legislation in the UK and already controls over 500 psychoactive substances (as well as other harmful drugs such as heroin and cocaine). Substances controlled under the 1971 Act will not be covered by the Psychoactive Substances Act 2016. Where legitimate high street retailers are concerned, no products should contain any substance containing a controlled drug and that position is entirely unaffected by the new act.

What is a Psychoactive Substance?

7. The new Act captures psychoactive substances not covered by the existing drugs framework, such as nitrous oxide. Unlike previous drugs legislation, this Act does not list substances that are affected, but covers any that fit its definitions (much like the Intoxicating Substances Act 1985).
8. There is a general understanding of so-called 'legal highs' as replacements for controlled drugs, but the Act provides a specific definition based on their effect on people. A substance must be capable of having a psychoactive effect (as defined in the Act) in order to be covered by the new legislation. A psychoactive substance is defined as one which affects a person's mental functioning or emotional state by stimulating or depressing their nervous system.
9. In practice this would include the kind of effects that we associate with controlled drugs, such as the following:
- hallucinations
 - changes in alertness
 - perception of time and space
 - mood or empathy with others
 - drowsiness
10. This wide definition is intended to pre-empt new substances emerging onto the drugs market because it defines them by their effects, rather than by their chemical structure. This means that it may be difficult for retailers to know if a substance is affected by the PS Act or not. There are several factors which make this easier.

Exemptions

11. A large range of substances are completely exempted from the Act because they are fully regulated by existing laws. This means that nothing need change in the way that they are sold. The exempted substances are:
- Food
 - Any Medicinal products (defined by Human Medicines Regulations 2012)
 - Alcohol
 - Controlled drugs
 - Nicotine and tobacco products
 - Caffeine

Practical Implications for Retailers

12. All of the substances that 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. This includes the following:

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

13. The Psychoactive Substances Act 2016 repeals the ISSA. The selling restrictions and products caught by the Intoxicating Substances (Supply) Act 1985 are entirely duplicated by this new Act so these controls will continue in altered form under the new offences described below.

14. The Act is aimed at closing down the sale of those psychoactive substances which are consumed for their psychoactive effect (as part of the market unhelpfully known as 'legal highs'). This means that most psychoactive substances caught by the provisions of the Act will not be sold by retailers in the first place.

Other things to consider

15. The Act only captures substances which are supplied for human consumption for their psychoactive effect unless they are exempted by either Schedule 1 or 2 of the Act. The supply of a psychoactive substance for any other purpose is not caught. So where substances are sold by a retailer for cleaning, gardening, industrial use etc., their sale will not be an offence.

Offences

16. Of the Act's offences, the supply and offer to supply offences (Section 5) are most relevant to retailers. They are similar to the offences in ISSA. The offence of supply is outlined below:

- A person intentionally supplies a substance to another person.
- The substance is a psychoactive substance.
- The person knows or suspects, or ought to know or suspect, that the substance is a psychoactive substance.
- The person knows, or is reckless as to whether, the psychoactive substance is likely to be consumed by the person to whom it is supplied, or by some other person, for its psychoactive effects.

17. A retailer should take reasonable steps to satisfy themselves that they are aware of the use of such a product. These steps are likely to be very similar to the steps that retailers currently take to comply with ISSA 1985 and could include:

- Warning signs in store/on products themselves.
- Training for staff to be able to assess risk.
- Given that young customers present a particular risk group- updating of training and age- restriction policies previously used under ISSA to make a fully informed assessment.
- Limiting quantities of substances to be sold in one purchase.

18. In any cases of prosecution, the onus will be on the prosecution to prove that the retailer knew the purpose of the purchase or that they were reckless and did not take reasonable steps to satisfy themselves of the purpose.
19. A retailer should consider the type of substance, the circumstances of the purchase (e.g. quantity and time of day), what else an individual is purchasing and any background information such as if the purchaser is a repeat purchaser and known for psychoactive consumption. For example, the purchasing of industrial cleaner on a week day alongside other household goods differs from young males purchasing nitrous oxide canisters late on a weekend.
20. There is no expectation for a retailer to go above and beyond what is reasonable and it is important to remember that the offences only apply where there is a risk of consumption.
21. An established retailer, which sells a wide variety of products entirely legitimately, is not expected to know whether each and every one of them contains a psychoactive substance.
22. Retailers are not expected to undertake testing of substances to confirm whether they are psychoactive. In particular, there are large numbers of household goods, gardening goods etc. which may or may not contain psychoactive ingredients. It is not reasonable to test each and every one of these indiscriminately.
23. The Home Office will continue to use its Forensic Early Warning System to monitor emerging substances of concern. Where it comes to light that substances are emerging as a concern, and likely to be widely sold, the Home Office will provide information to retailers through industry representatives to allow them to make risk assessments on products containing these substances.

Case Study 1

24. A retail outlet which sells a range of substances stocks a species of plant and seeds. It has sold the plant for a long time without making any risk assessment. The substance is supplied to the retail outlet with no warnings from the supplier and the substance has not previously been covered by ISSA. Evidence later comes to the attention of the Home Office that this plant has psychoactive properties.
25. The retail outlet, assuming it has discharged due diligence under existing practice will not have committed an offence by supplying the plant, because it did not know, nor should it have known that the substance it sold was psychoactive. However, once it receives this information (along with the rest of the supply chain), it would be expected to make a risk assessment on the product.

Case Study 2

26. In a retail outlet, a young customer who looks over 25 attempts to buy several containers of whipped cream canisters, containing nitrous oxide at 11pm. They are not purchasing anything else.

27. The cashier asks why these are being purchased and the customer is hesitant in replying and when they do they seem intoxicated, slurring their words. The cashier should consider not selling the goods.

Recommendation

28. The Committee is asked to note the information.

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

30 June 2016

**Update on New Legislation Affecting Cold
Calling by Telephone**

Paul Dowling, Strategic Director, Communities and Environment, Gateshead Council

Purpose of the report

To update the Committee on the latest development, with respect to the fair trading issues which concern cold calling by telephone.

1. On the 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.
2. Imposing fines of up to £500,000 on the companies behind cold calls and nuisance text messages is seen as now much easier, following the changes to the law as made by the government.
3. The move follows tens of thousands of complaints about cold calling. Firms could previously only be punished if the Information Commissioner could prove a call caused "*substantial damage or substantial distress*". That legal requirement has now been removed. More than 175,000 complaints were made to the Information Commissioner's Office (ICO) last year about nuisance calls and text messages.
4. 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 as such calls can cause distress and anxiety.
5. The ICO can take action against companies who flout rules on direct marketing, and says it has issued penalties totalling £815,000 to nine firms since January 2012. It had been powerless to target other firms behind a large number of unsolicited calls or texts. It had tried to argue that companies which make a large number of calls could breach the regulations because of the "cumulative effect" of their actions.

How Consumers Should deal with cold callers

6. Always:
 - Ask cold callers to remove your information from their records
 - Find out caller's number from a landline by dialling 1471 after the call
 - Check with your phone company if you can be made ex-directory

- Report any concerns through to the Citizens Advice Consumer service on 03454 040506.

Never:

- Give away personal or financial information, even if callers claim to be from a company you know
- Lose your 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

Recommendations

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

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

30 June 2016

**Report on the Government's Cutting Red Tape
review programme**

Paul Dowling, Strategic Director, Communities and Environment, Gateshead Council

Purpose of the report

To inform the Committee about the Government's Cutting Red Tape review programme as it affects local authority Trading Standards services.

The Cutting Red Tape review programme

1. The Cutting Red Tape review programme was launched by the Government in July 2015 with a pledge to cut £10 billion 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.
2. The Cutting Red Tape review of Local Authorities is being led by the Cabinet Office, the Department for Communities and Local Government (DCLG), and the Department for Business, Innovation and Skills (BIS), and applies to English local authorities only.
3. The stated aim of the Local Authorities review is 'to identify and remove unnecessary regulatory barriers to growth and associated costs placed on businesses by local authorities, while ensuring necessary protections are maintained, and also gather evidence of where regulation imposes unnecessary or avoidable burdens and costs on local government'. The government further advises that 'the review will examine any aspects of regulation and the way it is implemented or enforced which could be made simpler, more cost-effective, efficient, proportionate, or consistent.' (Source: <https://cutting-red-tape.cabinetoffice.gov.uk/local-authorities/>).
4. The Local Authorities review covers all local authority regulatory functions, including planning, building control, environmental health and trading standards.
5. 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.

Response by Trading Standards

6. Local authorities were also invited to comment as part of the review process, and a response was submitted on behalf of the twelve local authorities which make up the North East Trading Standards Association (NETSA) in relation to trading standards regulatory functions. A copy of the full response is produced as Appendix 1 to this report. The main points covered therein are:

- NETSA does not believe the activities of Local Authority Trading Standards Services (LATSS) have a detrimental or burdensome impact on legitimate businesses as their main focus is taking effective action against illegal, unfair and rogue business activities.
- LATSS in this region do not routinely visit businesses, and when visits are carried out it is usually in response to concerns expressed about business activities by consumers.
- Contacts, relationships and day to day dealings between LATSS and legitimate businesses continue to be excellent. Any evidence to the contrary would be well received and effectively responded to by individual LATSS.
- Support for legitimate businesses includes clear guidance and advice, which is a key theme of the BIS/Regulatory Directorate's "Better Business for All" agenda. NETSA does not believe that its activities cause a burden on legitimate business and consider it very unfair and indeed unjustified to suggest that this is the case.
- The Cutting Red Tape review fails to highlight any of the positive activities that LATSS carry out in order to protect residents, communities and legitimate businesses.
- LATSS are under a statutory duty placed upon them by central government to enforce certain legislation. The purpose of this legislation is primarily to ensure the safety and welfare of our residents and to protect the interests of our legitimate businesses.
- NETSA continues to take the view that local problems require local solutions, and NETSA is very concerned that the Cutting Red Tape review is seen as a way of limiting the abilities of LATSS to protect our businesses and residents.
- LATSS local strategies feed into regional and national partnership working as championed by the Intelligence Operating Model which was developed by the National Trading Standards Board. LATSS take a risk based and proportionate approach to the enforcement of all legislation which falls within their remit.

- NETSA can provide numerous examples where LATSS in this region have and continue to respond effectively to issues that have emerged as threats to the overall safety and wellbeing of the nation.

7. The Cutting Red Tape review of Local Authorities is now closed for comment.

8. Officers will update the Committee once the outcome of the review is known.

Recommendation

9. The Committee is asked to note the information.

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Room 602
Civic Centre
Newcastle upon Tyne
NE1 8QH

Partnership of Darlington BC, Durham County Council, Gateshead MBC, Hartlepool BC, Middlesbrough BC, City of Newcastle-upon-Tyne, North Tyneside MBC, Northumberland County Council, Redcar and Cleveland BC, South Tyneside MBC, Stockton-on-Tees BC and City of Sunderland Trading Standards Services.

5 April 2016

Cabinet Office

Email: cuttingredtape@bis.gsi.gov.uk

Dear Sir/Madam,

Cutting Red Tape: Local Authorities. Consultation Paper.

Introduction

The North East Trading Standards Association, NETSA, is a partnership body representing the following Local Authority Trading Standards Services (LATSS) in the North East of England:

Darlington, Durham, Gateshead, Hartlepool, Middlesbrough, Newcastle-upon-Tyne, North Tyneside, Northumberland, Redcar and Cleveland, South Tyneside, Stockton on Tees and Sunderland

The twelve Local Authority Trading Standards services (LATSS) within the North East of England are at the forefront of many important legislative control measures in enforcing a very wide range of legislative controls across Weights and Measures, Product Safety, Fair Trading, Food Safety and Animal Health and Welfare.

Overall Response

1. NETSA would state that all the LATSS within the North East of England, fully engage with and carry out this work in direct response to the concerns raised by residents, local businesses, elected Members, MP's and a range of partner organisations including the regional Police Services, Public Health colleagues and national Government agencies.

These national Government agencies include the Home Office, the Department for Food and Rural Affairs and the Department for Health.

2. NETSA considers that in all local authority areas, the main objectives of our work are to safeguard and protect consumers and support legitimate businesses. The work of LATSS in the North East is primarily focussed around the investigation and enforcement against those businesses and individuals who engage with 'hard-line' criminal activity and also often through to ignorance and a certain degree of naivety at times those businesses and individuals that are unfortunately prepared to and do breach the various legislative requirements.

As a region NETSA continues to believe that collaborative working is crucial to ensuring that legitimate businesses are protected from those businesses that engage in unscrupulous and unfair competition.

NETSA can provide numerous examples, where LATSS in this region have and continued to respond effectively to various issues that have emerged as threats to the overall safety and wellbeing of the nation. These examples include various intervention activities:

- covering doorstep crime and itinerant sellers, i.e. joint scam events with crime prevention advisors and banking staff within bank premises,
- the illegal sale of IPTV boxes,
- enforcement activity against retailers supplying illicit tobacco and alcohol,
- our effective responses to any alerts with respect to notifiable animal diseases,
- market surveillance on major product safety concerns including the importation of unsafe self-balancing scooters, more commonly referred as "Hover Boards", the concerns expressed around the safety of Halloween costumes and most recently the safety of Laser pointers.

3. NETSA does not consider that our activities have a detrimental or burdensome impact on legitimate businesses. As stated the main focus of activities by LATSS in this region is to take effective action against illegal, unfair and rogue business activities.

The LATSS in this region do not routinely visit legitimate businesses as a matter of course and when visits are made it is normally in response to the concerns as expressed by consumers; and our main intention is to provide advice and support businesses in order to bring them back into full compliance. We do this in a number of ways and would never expect businesses to be operating in such a manner that would be above and beyond the statutory requirements imposed on them.

Overall our support to legitimate businesses includes clear guidance and advice, which is a key theme of the BIS/Regulatory Directorate's "Better Business for All" agenda. NETSA do not believe that their activities cause a burden on legitimate business and consider it very unfair and indeed unjustified to suggest that this is the case.

4. The role of regulatory services is to enforce legislative provisions under a statutory duty. The purpose of this legislation is primarily designed to ensure the safety and welfare of our residents and to protect the interests of our legitimate businesses.

The list of legislation that has an immediate and direct impact on our local/regional and national networks is extensive but we can quickly cite the importance of including legislation controlling the spread of notifiable animal diseases such as Foot and Mouth, legislation protecting the intellectual property rights of businesses through the enforcement of registered trade-marks and legislation effecting the emerging public safety and health threats such as illicit alcohol and tobacco as well as New Psychoactive Substances.

We would also wish to highlight the following quote as presented by Lord Heseltine in his report published in October 2012: "No Stone Unturned. In Pursuit of Growth".

Specifically we note with interest the quote on page 105 of this report:

"I reject the premise that regulation itself hinders growth. Good, well designed regulation can stop the abuse of market power and improve the way markets work to the benefit of business, employees and consumers. A civilised society must provide a clear framework for the behaviour of firms, with boundaries. Some regulations actually create new markets and deliver jobs. For instance, the Motor Crash Helmet Act 1973 not only saved lives but created a new market in skid lids that is now thriving. The point is that good regulation strikes a proper balance. When such a balance is reached the most powerful result is seen - growth".

5. We continue to take the view that local problems require local solutions and the Executive is very concerned that the promotion of any "Cutting Red Tape" Review is seen as a way to limit the abilities of LATSS to be able to protect our businesses and residents. NETSA take the view that the legislation that has been previously revoked as part of this agenda, was in no manner actively enforced or indeed routinely policed. The pressures on our Services are extensive enough, focussing as they do on matters and issues that are of genuine public concern.

6. Our local strategies fed through into regional and national partnership working as championed by the Intelligence Operating Model and as developed by the National Trading Standards Board. LATSS across the UK take a risk based and very much proportionate approach to the enforcement of all the legislative controls, we have the responsibility for the enforcement of.

7. NETSA does not believe that LATSS create a burden on legitimate businesses. We consider that LATSS are often labelled together with other forms of regulatory services, some of which are delivered by national regulators; as part of a general concern that businesses have with the enforcement of legislation. We consider that is unfair and unjustified. NETSA would welcome sight of any evidence that does indeed exist and which supports any contention that in this region, that any of our businesses are concerned that the interventions and activities carried out by LATSS have had a detrimental and burdensome impact on their business activities.

8. It is the opinion of NETSA that the “Cutting Red Tape” Review that has been now introduced is unhelpful and unfair and fails to highlight any of the positive activities that LATSS carry out in the protection of residents, communities and local businesses. We consider our day to day working is and remains essential in allowing legitimate businesses to thrive and is crucial in ensuring that consumers are protected against unfair and unscrupulous trading practices.

We consider that our contacts, relationships and day to day dealings with legitimate businesses are and continue to be excellent. Any evidence to the contrary would be received by our LATSS and effectively responded to and actioned with those businesses which express those concerns.

Hopefully this response is of some assistance to the Consultation exercise but if there are any specific enquiries to the issues as raised please do not hesitate to contact me directly.

Yours sincerely

David Ellerington Chair



Signed on behalf of the NETSA Executive
5 April 2016

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

30 June 2016

Unsafe Electrical Chargers

Paul Dowling, Strategic Director, Communities and Environment, Gateshead Council

Purpose of the report

To inform the Committee of how the testing facilities available at the laboratory assist officers with investigations.

Electrical Chargers

1. In 2014 The Committee received a report on the National Trading Standards Product Safety at Ports Project. The primary aim of the project is to prevent illegal and unsafe products being placed on the market in the United Kingdom.
2. In April 2016 North Tyneside trading standards received information from the 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.
3. Based on this intelligence received, officers visited the warehouse in North Tyneside. The warehouse was full of goods including toys, novelty items, clothes and electrical items.
4. 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. All had been imported from China.
5. Samples of the products were tested at the Tyne and Wear Trading Standards Laboratory at Gateshead. 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.
6. Consequently, within 48 hours of visiting the warehouse all the devices were seized and removed from the supply chain to UK consumers. Enquiries are continuing into the circumstances surrounding their importation.
7. This investigation demonstrates the added value that the laboratory brings to the region, in particular the speedy response to allow officers to act swiftly. If these items had been sent to a private test house the cost and time taken would have been significant.
8. The investigation also makes it clear that the work conducted under the product safety at Borders Ports project is a worthwhile and very productive project which

has benefits across the United Kingdom in ensuring that illegal and unsafe consumer products do not reach consumers in the UK.

Recommendation

9. The Committee is asked to note the information.