

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

**Thursday, 1 November 2018**

**PRESENT:** Councillor K Dodds (Chair)  
  
Councillor(s): Councillor J Fletcher, T Graham, I Patterson,  
Councillor S Graham, Councillor J Blackburn,  
Councillor A Wilson, L Wright and Councillor M Lawson

**TW35 APOLOGIES FOR ABSENCE**

Apologies for Absence were received from

Councillor M Foy – Gateshead Council  
Councillor J Harrison – North Tyneside Council  
Councillor P Lovatt – Newcastle City Council  
Councillor N Kemp – Newcastle City Council  
Councillor D Waller – Newcastle City Council

**TW36 MINUTES**

RESOLVED - That the minutes of the meeting held on 21 June 2018 were agreed as a correct record subject to it being noted that Councillor Wright, Newcastle City Council submitted her apologies.

**TW37 REPORT AND STATISTICAL RETURN FOR THE METROLOGY LABORATORY**

The Committee received the update on the work of the Joint Metrology Laboratory for the period since June 2018.

The laboratory has continued to support the constituent authorities by providing specialist advice and equipment and providing calibrations to enable the statutory functions of the Weights and Measures Act 1985 to be conducted. The laboratory has also been providing professional advice and disposing of illegal vape liquids and testing Halloween costumes for flammability. The laboratory has also ported over the Quality Management system to ISO 17025:2017 in readiness for the next UKAS audit due on 8 January 2019.

The Committee were advised that due to the work on the Quality Management System and the Laboratory Manager carrying out operational work the Business Plan has not been progressed.

It was queried as to whether the circumstances would change with regards in order

to develop the business plan. It was noted that in order to improve things and the marketability of the service the business plan needs to be prioritised.

RESOLVED – that the information presented by noted.

## **TW38 CONSULTATION ON PROPOSALS TO RESTRICT THE SALE OF ENERGY DRINKS**

The Committee received a report to provide an update on the response by Government to the various concerns related to the sale of energy drinks.

Research has found that adolescents (aged 12-18) who consume energy drinks several times a day are 4.5 times more likely to report experiencing headaches, 3.5 times more likely to report sleeping problems, and 3.4 times more likely to report experiencing tiredness than adolescents who do not consume energy drinks.

Manufacturers are currently required by European Union law to label all energy drinks containing over 150mg of caffeine per litre as 'not recommended for children'.

Many larger retailers and supermarkets have voluntarily stopped selling energy drinks to under 16s. However, there are still many retailers who continue to sell these drinks to children.

The Government issued a consultation in August 2018 on a proposal to introduce new legislation to tackle the sale of energy drinks. The Government set out its view in the consultation that legislating to end the sale of high-caffeine energy drinks to children would create a level playing field for businesses and created consistency, helping ensure that children do not have access to energy drinks in any shop.

The Government is consulting on whether the age limit for an end to sales of energy drinks to children should be 16 or 18 years of age. A number of retailers, including major supermarkets have already stopped the sale of energy drinks to under 16s. An age limit of 16 would therefore be consistent with existing voluntary limits that many retailers have already applied.

However, 16 and 17 year olds are the highest consumers of energy drinks. Furthermore the age of 18 is widely recognised as the age at which one becomes an adult, gaining full citizenship rights and responsibilities, and is also the age limit for purchasing other age-restricted substances, such as tobacco and alcohol. Other countries that have already ended the sale of energy drinks to children, have used 18 as the age limit.

A response to the consultation will be submitted on behalf of the region by the North East Trading Standards Association.

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

**TW39**

**IMPLEMENTATION OF THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018**

The Committee were presented with a report to provide an update on the responses provided by local authorities as animal licensing authorities on the new legislative requirements under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. The Regulations came into force on 1 October 2018.

The previous legislation, covering a range of animal-related legislation had been in place for decades, and in that time, there have been huge changes in pet owner attitudes and lifestyles. The new legislation takes into account different business models which have sprung up in response to these, as well as the rise of the internet. A major criticism of the previous legislation was that they were inconsistently applied across the country, with inspection fees varying hugely and the inspections themselves based on a variety of different criteria. These issues have been addressed in the new regulations.

The new regulations provide for the licensing of persons involved in England in selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs and keeping or training animals for exhibition.

Part 2 of the Regulations sets out how a person may apply to the local authority for a license and sets out matters in respect of which a local authority must be satisfied when considering the granting or renewing of a licence. It provides for a local authority to charge fees to cover the costs it incurs in performing this function, considering a licence holder's compliance with these Regulations, enforcement and administration. It requires a local authority to have regard to guidance issued by the Secretary of State in carrying out their functions under these Regulations. It makes provision for the inspection of premises and provides powers for inspectors to take samples from animals.

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

**TW40**

**REPORT ON PLANNED ACTIVITY DURING THE LEAD UP TO BONFIRE NIGHT**

The Committee received a report to provide an update on planned activity within the constituent authorities on the run up to bonfire night.

In July 2017 rules for fireworks changed after a period where two regimes ran in parallel. All fireworks must comply with Directive 2013/29/EU and the European standard EN15947 as opposed to either that standard of BS7114.

All Councils have developed very strong links with the Fire and Rescue Service over the years and carry out a series of joint inspections to fireworks premises. The Fire and Rescue Service check whether the fireworks are safely stored and displayed and that the net explosive content of the fireworks is within the limits appropriate for the licence of the premises.

Trading Standards officers undertake a number of checks to make sure of compliance within the premises. They also check to make sure boxes haven't been broken up to make sure that valuable instructions haven't been lost.

Officers also carry out some underage test purchases, this is undertaken in partnership with Northumbria Police. Officers also assist the Police or Fire and Rescue Service if any intelligence is received with regards to unlicensed premises.

RESOLVED – that the information contained within the report be noted.

**TW41**

## **REPORT ON THE OFFICE FOR PRODUCT SAFETY AND STANDARDS STRATEGY AND DELIVERY PLAN**

The Committee received a report to inform members of the launch of the Office for Produce Safety and Standards strategy and delivery plan which aims to strengthen the UK's capacity to deal with produce safety issues.

The strategy and delivery plan summarises the challenges and opportunities presented by the UK's product safety system and list the actions the OPSS will implement to achieve for its four objectives.

- Analyse – make the best use of scientific evidence, incident data, risk and intelligence in decision making
- Inform – help consumers make informed choices and give businesses the information they need to comply
- Enforce – use the full range of tools and powers to maintain protection, fairness and confidence
- Build – put in place an infrastructure that equips the UK for future challenges

The OPSS intends to carry out a range of actions as part of its commitment to achieving the above objectives. These include:

- Promoting the Code of Practice for product safety related recalls (PAS7100) which was launched in March
- Developing tools and guidance to help businesses and local authorities improve their risk assessment processes
- Working with the national Intellectual Property Office to publicise the potential safety hazards posed by counterfeit goods
- Establishing a Trading Standards Co-ordination Unit to lead on engagement with local authorities
- Strengthening product safety checks at key points of entry into the UK
- Beginning a market surveillance testing programme in partnership with local authorities
- Improving the way authorities share information about product risks and receive rapid alert notifications
- Developing a central hub to enable consumers to access reliable information about recalled products and receive alerts about products they have registered

Responsibility for the enforcement of consumer product safety legislation will remain with local authority Trading Standards services. Product safety remains one of the highest priorities for local authority Trading Standards services and any improvements that can be made to the existing regulatory framework would be welcomed.

Coordination and joint working between the OPSS and local authority Trading Standards services are currently at a very early stage and we await further information from the OPSS on these and other points, including the implications of exiting the European Union for the UK's consumer product safety regulatory framework.

RESOLVED - that the information contained within the report be noted

**Chair.....**