

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

Thursday, 14 February 2019

PRESENT: Councillor K Dodds (Chair)

Councillor(s): T Graham, Councillor J Blackburn,
Councillor A Wilson, D Waller, P Lovatt and
Councillor M Lawson, J O'Shea, M Beck

TW42 APOLOGIES FOR ABSENCE

Apologies for Absence were received from:

Councillor M Foy – Gateshead Council
Councillor I Patterson – Gateshead Council
Councillor L Wright – Newcastle City Council
Councillor A Ellison – South Tyneside Council
Councillor J Fletcher – South Tyneside Council

RESOLVED - That the apologies be noted.

TW43 MINUTES

RESOLVED - That the minutes of the meeting held on 1 November 2018 be agreed as a correct record, subject to it being noted that Councillor J O'Shea was in attendance and apologies for Absence were received from Councillor D Waller, Sunderland City Council and not Newcastle City Council.

TW44 REPORT AND STATISTICAL RETURN FOR THE QUARTER ENDING DECEMBER 2018

The Committee received an update report on the work of the Metrology Laboratory for the quarter ending December 2018.

The laboratory continues to support the work of the 5 authorities within Tyne and Wear. The laboratory is at its capacity at the moment. There is a break in the training courses previously offered for trading standards candidates as the professional body is changing the qualification.

The laboratory is continuing to offer aid and advice to industry and have seen an increase in a number of small start-up companies asking for advice.

The Laboratory underwent its annual audit by UKAS just after Christmas. There were minor issues to deal with, however, this was expected as the quality standard

was changed and this was the first audit against the new version of the standard.

There is some potential issues between now and the next meeting, in regards to the e-safety sign, if we leave Europe without a deal we will no longer be able to use the CE mark. There is going to be a UK Conformity Assessed Mark if there is no deal.

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

TW45 FARM INSPECTION AND REGULATION REVIEW

The Committee received an update on the review of farm inspection and regulation.

An independent review of farm inspection and regulation was commissioned in February 2018 by the Secretary of State for Environment, Food and Rural Affairs.

In summary, the report recommends that the Government should

- Create a new independent regulator for farming and land management as soon as possible, require the regulator to report periodically and comprehensively on the extent to which the government's stated principles are being met.
- Legislate to rationalise farm and land registration requirement and to allow for the creation of a single land-keepers' register, to be held by the regulator. Current arrangements for registering for land parcels should be carefully assessed and simplified as soon as possible.
- Review the Defra group configuration. The Government should retain sufficient field staff within the Environment Agency to enable it to deliver its future remit, but otherwise consolidate and create one field force under the auspices of the new regulator.

The following response was submitted to the Minister of State for Agriculture, Fisheries and Food by the Chair of the Association of Chief Trading Standards Officers.

It is at this unique point in time, as the implications of EU Exit for businesses, enforcers and consumers become clear, that local authorities can provide an invaluable contribution to the future of farming regulation. Local authorities not only have extensive expertise and knowledge of working with the farming and food industry but have also established a reputation for delivering value for money, flexible and knowledgeable regulatory services that can deliver tangible benefits in difficult financial times. They retain a fair approach to enforcement, working with partners and impartially considering the needs of the public, businesses and how best to use limited public funds.

The Committee expressed concern of the potential risk if Local Authority officers had their responsibilities taken away from them. It was suggested that this Committee express their concerns via the Chair to the government minister.

RESOLVED - That the information be noted.

TW46

LOCAL GOVERNMENT ASSOCIATION WARNING THAT ILLEGAL TOBACCO TRADE HARMING EFFORTS TO CUT SMOKING

The Committee received a report to provide an update on an announcement from the LGA regarding the illegal tobacco trade.

The LGA has stated that the illegal tobacco trade is rife and undermining efforts to reduce smoking and it is calling for courts to impose bigger fines for selling illegal cigarettes which cost the UK economy more than £2billino per year in unpaid duty.

Recent Council hauls, including some in the North East have seen sniffer dogs used to trace and remove bootlegged and counterfeit tobacco from the streets as they continue to crack down on illegal trade. In recent seizures, stashes of illegal cigarettes and tobacco have been found hidden in sophisticated hiding places in the walls and floors of shops and secret panels in cupboards.

Fake cigarettes pose a greater fire risk as they do not include designs that ensure that a lit cigarette will self-extinguish if not actively smoked.

Councillor Simon Blackburn, Chair of the LGA's Safer and Stronger Communities Board said:

"The sale of cheap, illegal tobacco by rogue traders in shops, private homes and through social media is funding organised criminal gangs and damaging legitimate traders, as well as making it easier for young people to get hooked on smoking, which undermines councils' efforts to help people quit.

Counterfeit cigarettes also fail to extinguish themselves when left to burn, presenting a real danger to people.

Bigger fines need to be imposed by the courts to deter the sale of illegal tobacco to help councils' enforcement work against rogue traders, reduce crime in our communities and protect the health of children and young people."

The Committee suggested that a letter be written to Councillor Blackburn supporting him with this issue. It was also suggested that some publicity on this issue would be a positive way forward.

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

TW47

PENSION SCAMS

The Committee received an update report on the response provided nationally on the issue of pension scams.

From the 9 January 2019, unsolicited calls about the pensions of consumers have now been made illegal. Businesses that make unwanted, unsolicited phone calls to people about their pensions may face enforcement action, including fines of up to half a million pounds. One of the most common methods used by scammers to commit pensions fraud is through cold calls, which is why the action has been

taken. Research carried out by the Money Advice Service suggests that there could be as many as 8 scam calls per second, the equivalent of 250 million calls per annum.

Consumers are advised that if they receive a cold call about their pension, get any information that they can, such as the business name or phone number and report it to the Information Commissioner. The ban prohibits cold-calling in relation to pensions except where:

- The caller is authorised by the FCA, or is the trustee or manager of an occupational or personal pension scheme, and
- The recipient of the call consents to calls, or has an existing relationship with the caller

Anyone who needs help relating to their pensions can visit Pension Wise, a free and impartial service that helps consumers understand the options for their pensions.

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

TW48 RADANOFF VODKA

The Committee received a report providing an update on a response both nationally and regionally on the issue of “Radanoff” vodka.

In January 2019 following work by Trading Standards colleagues in Hull City Council, it emerged, that a fake brand of vodka which may contain industrial strength alcohol and cause serious health issues, and even death, has reached the shelves of UK shops. Hull City Council admitted there is no way of knowing what is in bottles of “Radanoff”, a brand of alcohol which seemingly is ‘not recognised’. Hull City Council warned the public not to buy it. The bottles have no HMRC duty stamp and the barcode does not link to a real product.

The response locally by officers in the north east has been to publicise the seizure of the “Radanoff” vodka with consumers, businesses and other enforcement colleagues including Northumbria Police. There have also been inspection visits to licensed premises in the area.

The advice offered to businesses tempted to buy the illegal alcohol from unscrupulous traders is simple. “Don’t risk it”. There are several potential offences under consumer protection legislation including food safety.

Businesses are also advised by HMRC that if they sell alcohol to another business they may need to apply for approval for the Alcohol Wholesaler Registration Scheme (AWRS). HMRC introduced the scheme to tackle alcohol fraud.

Businesses have also been advised that the discovery of any illegal alcohol in licensed premises may very well lead to an initiation of a Review of a Premises Licence leading to potential revocation of the licence.

The advice offered to consumers is simply not to buy the alcohol but if they see the

brand on sale report it through to regulation services so that action can be taken. If consumers drink “Radanoff” vodka and feel unwell as a result, they are advised to seek medical assistance as a matter of urgency.

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

TW49 ANNOUNCEMENT ON CITIZENS ADVICE SCAMS ACTION PROJECT

The Committee received a report to update on the recent announcement made by the consumer finance journalist Mr Martin Lewis about the lawsuit he took against Facebook.

Mr Lewis announced on 23 January 2019 that he is dropping his lawsuit against Facebook over its repeated failure to prevent scam adverts from using his name and image, after the company agreed to donate £3m to set up an anti-scam project with Citizens Advice and launch a UK-specific one-click reporting tool.

Mr Lewis launched the lawsuit after an estimated “thousands, possibly tens of thousands” of people fell prey to scams promoted using his reputation, said a court battle was never his aim.

Facebook’s donation to Citizen’s Advice, which will total £2.5m in cash as well as £500,000 of vouchers for the company’s online ad service, will be used to fund an independent scam prevention project, Citizens Advice Scams Action (Casa). When Casa launches in May 2019, it will work to identify and tackle online scams, as well as support victims.

The social network will also launch a UK-specific tool that lets British users easily and quickly flag ads they believe to be scams. It will be backed up by a dedicated internal team to handle the reports. It will also proactively investigate trends and find and shut down violating ads.

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

TW50 NEW BURDEN GRANT ALLOCATIONS ASSOCIATED WITH INTRODUCTION OF TOBACCO PRODUCT DIRECTIVE AND AGE OF SALE - NICOTINE INHALING PRODUCTS LEGISLATION

The Committee received a report to provide an update on the recent notification of the New Burden Grant Allocations to local authorities in England.

A letter has recently been sent out, by the Department of Health and Social Care and which confirms details and allocations of Department of Health New Burdens funding; awarded under Section 31 of the Local Government Act 2003 to cover any additional costs incurred as a direct result of implementation of the Tobacco Product Directive and the Nicotine Inhaling Products legislation as it relates to age restricted products in 2018/19.

The overall total of the available funding is £659,866. Each Local Authority in England will receive a minimum payment of £2,000, with further sums allocated according to adult smoking prevalence across the authority, using the latest Office for National Statistics Report, “Adult smoking habits in the UK 2017”, as published in July 2018. Amounts range for £2015.45 to £12,883.96.

North East Local Authorities have received funds as follows:

Local Authority Name	Amount
Gateshead	£3,469.22
Newcastle upon Tyne	£3,983.20
North Tyneside	£3,480.58
South Tyneside	£3,205.79
Sunderland	£4,774.39

The grant allocations need to be spent by end of March 2019, officers are making sure that this additional finance is allocated in line with local authority service provision and procedures.

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

TW51

PROPOSAL FROM GREATER MANCHESTER TO INTRODUCE A TOBACCO RETAILER & WHOLESALE LICENSING SYSTEM

The Committee received a report on a proposal from Greater Manchester to introduce a tobacco retailer and wholesaler licensing system. The proposal provides partners outside Greater Manchester with an opportunity to consider their interest in pursuing this agenda as part of comprehensive approaches to local tobacco control.

The Greater Manchester “Making Smoking History” strategy identifies addressing tobacco licensing as a key issue for Greater Manchester wide action. The strategy also flags extending smoke free spaces as another potential area for regulatory change.

The regulatory framework relating to tobacco has changed significantly over the past decade. The promotion of tobacco via mainstream marketing, advertising and sponsorship is now gone; 2007 saw the ground-breaking ‘smokefree’ law come into force; age of sale has increased to 18; vending machines have been removed; tobacco is now sold in standardised packs; cars carrying under 18s should now be smokefree.

What has not changed is the ability for local authorities in England to monitor, control and sanction the sale of tobacco in their communities. This is seen as putting England at odds with other UK jurisdictions in Wales, Scotland and Northern Ireland where tobacco retailer registration schemes are in place.

A public engagement conducted during February – April 2018 demonstrated strong backing for the Greater Manchester “Making Smoking History” strategy, including extending smoke free spaces and a tobacco retailer licensing scheme in Greater Manchester, with some 81% supporting the proposal. This confirms previously high

levels of support for these measures in other national surveys.

A workshop conducted with senior regulatory services officers and partners from Greater Manchester Police and HMRC indicated a strong appetite to scope potential licensing legislation.

A review by the legal services at Manchester City Council, with legal support from the Greater Manchester Combined Authority has been carried out to (a) explore whether existing powers could enable the Combined Authority, and/or the 10 local authorities introduce a licensing scheme(s) and extend smokefree spaces; or (b) other legislative vehicles such as byelaws or a local Act of Parliament would be required.

The review concluded that it would not be possible to make existing powers such as those in operation in Scotland and Wales to become a legal function of the Greater Manchester Combined Authority or any Greater Manchester Authority. Under section 239 of the Local Government Act 1972, the combined authority or one individual local authority on behalf of the 10 could however promote a local Act of Parliament. The Greater Manchester Leadership Team has agreed a lead local authority route. Manchester City Council will lead the process for Greater Manchester localities. This process is independently open to any local authority.

The process for achieving the implementation of the Act is complex. The plan of Greater Manchester is to table a Bill in November 2019. The draft Bill was expected to be available in January 2019 and will be subject to a regulatory impact assessment and consultation process.

There is scope for localities outside of Greater Manchester to work alongside them to pursue similar Bills just as Liverpool, London and Merseyside all took forward independent and identical smokefree Private Bills in November 2004 and 2005. Any locality engaging in the same process could pursue only the licensing element of the legislation should they so wish. Costs and risks could be shared appropriately.

It was noted that if this something local authorities in the region were to wish to pursue it would have to go to the respective leadership meetings.

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

TW52 PROPOSED 2019/20 MEETING DATES

Thursday 27 June 2019 at 10am
Thursday 7 November 2019 at 10am
Thursday 13 February 2020 at 10am

RESOLVED – That the meeting dates for 2019/20 be approved.

TW53 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED - That the Press and Public be excluded from the meeting during consideration of the next item subject to Paragraph 3 of

TW54 METROLOGY & PRODUCT SAFETY BUSINESS PLAN

The Committee received a report to provide an update on some initial proposals for the future business plan for the laboratory and its use.

Further discussions need to take place with colleagues from Finance to cost out options which have been identified. Further progress on the plan will be brought to this meeting on a regular basis.

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

Chair.....