



TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE AGENDA

**Thursday, 16 November 2023 at 10.00 am in the Whickham Room,
Gateshead Civic Centre**

From the Chief Executive, Sheena Ramsey

Item Business

1 Appointment of Chair

The Joint Committee is requested to appoint a Chair for the 2023/24 Municipal Year.

2 Appointment of Vice-Chair

The Joint Committee is requested to appoint a Vice-Chair for the 2023/24 Municipal Year.

3 Apologies for Absence

4 Minutes (Pages 3 - 14)

The Joint Committee is asked to approve as a correct record the Minutes of the previous meeting held on 2 March 2023 (attached).

Please note attached are the notes from the inquorate meeting held on 13 July 2023.

5 2023/24 Estimated Outturn (Pages 15 - 18)

Report of the Strategic Director, Resources and Digital (attached).

6 Metrology Laboratory Report - November 2023

Report of the Service Director, Economy, Innovation and Growth (attached).

7 Update on Illicit Tobacco Premises Closure Orders (Pages 19 - 20)

Report of the Service Director, Economy, Innovation and Growth (attached).

8 Update on the Digital Markets, Competition and Consumers Bill (Pages 21 - 22)

Report of the Service Director, Economy, Innovation and Growth (attached).

9 | **OPSS Section 70 Report 2022-23** (Pages 23 - 24)

Report of the Service Director, Economy, Innovation and Growth (attached).

10 | **Government testing confirms concern UK has become a dumping ground for unsafe products** (Pages 25 - 28)

Report of the Service Director, Economy, Innovation and Growth (attached).

Contact: Brian Wilson, Telephone: 0191 4332145, E mail: brianwilson@gateshead.gov.uk

GATESHEAD METROPOLITAN BOROUGH COUNCIL

TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE MEETING

Thursday, 2 March 2023

PRESENT: Councillor K Dodds (Chair)
Councillor(s): Councillor J Fletcher, C Buckley, I Patterson, Heron, P Walker, Councillor J O'Shea, Hunter, Mulvenna and Councillor M Lawson

IN ATTENDANCE: Councillor(s):

APOLOGIES: Councillor(s): C Rowntree, Councillor S Graham, S Dean, J Keegan, ALamonte and Lovatt

TW79 APOLOGIES FOR ABSENCE

TW80 MINUTES

- RESOLVED -
- (i) That the minutes of the meeting held on Thursday 23 June 2022 be approved as a correct record.
 - (ii) that the notes of the inquorate meeting held on 24 November 2023 be noted subject to it being noted that Councillor T Mulvenna and Councillor J Hunter were also in attendance.

TW81 REPORT AND STATISTICAL RETURN FOR PERIOD TO MARCH 2023

The Committee were provided with an update on the current position at the Metrology Laboratory. The lab is currently operating at full staff, with a Senior Trading Standards Officer post recently being advertised.

Submissions to the lab are consistent and in fact slightly up. There is some business improvement going on in the Saltmeadows area and a share access car park, some car park improvements have been made to make safe for customers and visitors.

The public weighbridge continues to bring in a regular stream of income and the weighbridge test unit is booked in for May when all weighbridges in each of the 5 local authorities are tested.

The annual UKAS audit has been undertaken with a few minor points raised with overall positive feedback on the day.

The lab have been successful in another bid from the OPSS funding, a separate report has been submitted to the Committee.

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

TW82 PROJECTED OUTTURN AS AT 31 JANUARY 2023 - DRAFT BUDGET FOR THE 2023/24 FINANCIAL YEAR

The Committee received a report to provide an update on the Projected Outturn for the Metrology Laboratory and the draft budget for 2023/24.

The UKAS fees have increased by 3%, it is important that the laboratory remains competitive, there is a 3% increase in contributions from the 5 Local Authorities.

It was noted that there has been an increase in utilities as with everywhere else. It was also noted that the budget for next year will be balanced.

RESOLVED - (i) That the projected outturn for 2022/23 be noted.
(ii) That the proposed budget for 2023/24 be noted.

TW83 UPDATE ON IMPLEMENTATION OF THE LEASEHOLD REFORM (GROUND RENT) ACT 2022

The Committee received a report to inform them of the implementation of the Leasehold Reform Act (Ground Rent) Act 2022 ('the Act').

The act puts an end to ground rents for most new long residential leasehold properties in England and Wales. Royal Assent was granted on 8 February 2022 and the Act was brought into force on 30 June 2022.

As of 30 June 2022, landlords of regulated leases must not require a leaseholder to make a payment of prohibited rent.

The Committee were advised that this was something which Trading Standards which would be responsible for enforcing.

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

TW84 LGA PUBLIC PROTECTION SERVICES - A HANDBOOK FOR COUNCILLORS

The Committee received a report which informed them of an online publication that is available for Councillors which provides an overview of council Environmental Health, Trading Standards and Licensing Services.

The handbook sits alongside related LGA handbooks on different areas of licensing and is intended to assist all councillors in understanding the key functions of these important but complex services and how they can be used to support a wide range of key council priorities.

Through their work, often although not exclusively with local businesses, public protection services protect different aspects of local life, including:

- Local businesses and the economy
- People, in their different roles as local residents, consumer, tenants, employees/workers etc
- Communities, as places where people live and work, and
- The environment, including animals

However public protection services are arranged there is value in them working collaboratively within or across organisations, as joining the dots between different elements of them is key to optimising practise and maximising increasingly scare resources.

It was suggested that this be circulated to all councillors in each authority.

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

TW85 UPDATE ON THE SUCCESSFUL FUNDING BID TO OPSS JANUARY 2023

The Committee received an update on a successful funding bid to the Office for Product Safety and Standards (OPSS) to conduct a safety information activity.

In January OPSS announced there was funding available to support public safety information projects relating to produce safety or legal metrology. They encouraged bids for funding aimed at the most vulnerable consumers, specifically the digitally excluded and those particularly impacted by the cost-of-living crisis. Funding was for short-term projects that could be completed within this financial year and could have been for either:

- Reports on the organisation's current activity
- Scoping proposals on future activity
- Conducting consumer awareness and education activity

After discussions with the 5 Tyne and Wear authorities, the laboratory submitted a scoping proposal.

Within the current financial climate there has been an increase in the use of food banks and other community-based groups to collect and distribute products other than food such as toys and small electrical products, possibly without understanding the safety implications of sharing such products.

The bid submitted to the OPSS was for Trading Standards staff from the 5 local authorities to visit both registered food banks and other community hubs during March 2023 and simply ascertain exactly what goods are being distributed.

Staff will be given a short questionnaire to complete for each site which will be used for returns to OPSS. This project give TS staff the opportunity to engage with community groups, build strong working relationships. Further work could include product safety talks, consumer advice or information on loan sharks or illicit tobacco.

At this time OPSS cannot guarantee further funding, but it is hoped that the scoping project can lead to more in-depth work within the community targeting product safety and those most vulnerable.

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

TW86 VAPING - CALL FOR CHANGE BY LGA AND ASH

The Committee received a report to inform them that in early February of this year, the Local Government Association issued a press release call for changes in the way vapes are packaged and sold in shops.

It has been reported to Committee previously and members of the Committee have previously express that vapes need to be 'out of sight and out of reach' to tackle underage sales.

LGA are seeking strict new measures to regulate the display and marketing of vaping products in the same way as tobacco to crack down on a rise in stores selling to children.

LGA is calling for:

- Vapes to be in plain packaging and kept out of sight behind the counter
- Mandatory age of sale signage on vaping products – it's currently voluntary
- A ban on free samples of vaping products being given out to people of any age

Sanctions should also be in line with those breaching the rules similar to those handed out under the tobacco display regulations.

In a survey by the Chartered Trading Standards institute, 60 per cent of local trading standards services reported high street shops selling illicit vapes or vaping products to children was the enforcement issue that most concerned them. Teams reported a significant rise in underage vape sales last year.

Data from ASH Smokefree GB Youth survey of 11 to 18 year olds in England showed that current vaping prevalence was 8.6 per cent in 2022, compared with 4 per cent in 2021. It was also found that over a fifth of youngsters bought vaping products from newsagents while 16.3 per cent bought them from a supermarket.

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

Chair.....

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GATESHEAD METROPOLITAN BOROUGH COUNCIL

TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE MEETING

NOTES OF INQUORATE MEETING – THURSDAY, 13 JULY 2023

PRESENT: Councillor K Dodds (Chair)

Councillor(s): C Buckley, T Graham, I Patterson,
Councillor(s): J Heron, T Dodds
Councillor(s): J O'Shea, J Shaw and T Mulvenna

APOLOGIES: Councillor(s): J Fletcher, P Walker, C Rowntree, S Graham,
J Hunter, A Lamonte, J Keegan

TW87 APPOINTMENT OF CHAIR

It was noted that the meeting was inquorate, it was agreed to go ahead with the meeting subject to formal agreement at the next meeting.

It was noted that Councillor Kevin Dodds (Gateshead Council) be appointed as Chair for the 2023/24 Municipal Year subject to agreement at the next meeting of the Committee.

TW88 APPOINTMENT OF VICE-CHAIR

It was noted that Councillor Jill Fletcher (Sunderland City Council) be appointed as the Vice-Chair for the 2023/24 Municipal Year subject to agreement at the next meeting of the Committee.

TW89 CONSTITUTION

The Constitution of the Committee for the 2023/24 Municipal year be noted, subject to Councillor Dodds, replacing Councillor Gibson, Sunderland City Council and Councillor L Wright replacing Councillor Lambert, Newcastle City Council.

TW90 MINUTES

The minutes of the meeting held on 2 March 2023 did not have Councillor T Graham's apologies recorded, subject to this change and agreement at the next Committee the minutes were noted.

TW91 2022/23 FINAL OUTTURN BUDGET FOR THE 2023/24 FINANCIAL YEAR

The Committee received a report to provide an update on the final outturn for the financial year 22/23. It was noted that there was an underspend of £13,000 partly offset with the increase in utility costs.

It is anticipated £46,000 will be put into reserves with a cost of £36,000 for the improvement works.

The proposed budget for 2023/2024 was set out in the report. The contributions from the five Tyne and Wear Authorities will be based on an increase of 3%.

The Committee noted the report.

TW92 CTSI SOCIAL MEDIA MARKETPLACE SURVEY

The Committee received a report on the details of a recent survey carried out by the Chartered Trading Standards Institute which concluded that Social Media giant's e-commerce arm causes most concern for UK's Trading Standards.

A new national survey published had revealed that Facebook Marketplace is the online marketplace which is causing Trading Standards and consumer protection professionals the most concern, with complaints about counterfeit, poor-quality and potentially unsafe goods being sold.

The online giant which enables third-party sellers to trade goods on its platform was criticised by Trading Standards Officers as being unresponsive or uncooperative when contacted about problem sellers. Facebook Marketplace was also criticised for being slow to take action against problem sellers and for enabling misleading product descriptions, counterfeit goods and potentially harmful products to reappear on its platform after being taken down.

The survey found that just 10% of Trading Standards Officers said they have been able to take action against online marketplaces as a result of three obstacles, uncooperative businesses, unsuitable legislation and limited resources.

Through its work with the All Party Parliamentary Group (APPG) on Consumer Protection, CTSI has been identifying issues affecting consumers using online marketplace. The APPG's evidence-gathering sessions coincide with the recent publication of the Digital Markets, Competition and Consumers Bill, which includes proposals to create a Digital Markets Unit which would have the power to hold online firms to account.

The Committee noted the report.

TW93 UPDATE ON THE IMPLEMENTATION OF NEW ENVIRONMENTAL LEGISLATION

The Committee received a report to update on an announcement from the Government that a range of polluting single-use plastics will be banned in England. The ban will include single-use plastic plates, trays, bowls, cutlery, balloon sticks and a certain type of polystyrene cups and food containers. This ban will be introduced from 1 October 2023 allowing businesses time to prepare.

Previous bans have included drinking straws and cotton buds. This will be undertaken on a staged approach but it is likely there will be potential enforcement

around takeaways and at events who use plastic straws for balloons.

The Government is also carefully considering further measures around other commonly littered and problematic plastic items, including wet wipes, tobacco filters and sachets, following the call for evidence on this issue.

The Government has also announced a new deposit return scheme for recycling plastic bottles and drink cans which is set to make things easier for tens of millions of people. Scotland is also looking to do this for glass but there are no plans for England as yet.

The Committee noted the report.

TW94 UPDATE ON GOVERNMENTS NEW FRAUD STRATEGY

The Committee received a report updating on the Government announced new Fraud Strategy which sets out a plan to stop fraud at source and pursue those responsible wherever they are in the world, reducing fraud by 10% on 2019 levels by 2025.

By December 2024 the Government will:

- Establish a new national fraud squad with over 400 new posts and make fraud a priority for the police.
- Deploy the UK intelligence community and lead a new global partnership to relentlessly pursue fraudsters wherever they are in the world.
- Put more fraudsters behind bars through better investigation and prosecution processes for fraud and digital offences.
- Ban SIM farms which are used by criminals to send thousands of scam texts at once.
- Stop fraudsters from being able to send mass text messages by requiring mass texting services to be registered, subject to a rapid review.
- Replace Action Fraud with a state-of-the-art system for victims to report fraud and cyber-crimes to the police.
- Ban cold calls on financial products so fraudsters cannot dupe people into buying fake investments.
- Stop people hiding behind fake companies and create new powers to take down fraudulent websites.
- Work with industry to make sure that intelligence is shared quickly with each other and law enforcement.
- Change the law so that more victims of fraud will get their money back.
- Overhaul and streamline fraud communications so that people know how to protect themselves from fraud and how to report it.
- Make the tech sector put in place extra protections for their customers and introduce tough penalties for those who do not.
- Shine a light on which platforms are the safest, making sure that companies are properly incentivised to combat fraud.

The Committee noted the content of the report.

TW95 OPERATION MILLIE - PROSECUTION AGAINST SUNDERLAND BASED EHIC CARD SCAMMERS

The Committee received a report providing details of the outcome of an investigation which Sunderland City Council's trading standards team were involved in.

A family who made over £2m using deliberately misleading websites to trick people into paying for European Health Insurance Cards (EHICs), which were freely available from the official NHS website, were sentenced on the 16 May 2023 at Leeds Crown Court, following an investigation led by the National Trading Standards eCrime Team, which is hosted by North Yorkshire Council and City of York Council. The team made test purchases and uncovered a range of misleading features on the site that undermined the NHS service and added no value for consumers. Nor did it provide the 'check and send' service for consumers that was claimed.

Siblings who were directors of the companies behind the misleading websites were jailed for 9½ years and 8 years respectively after being found guilty of fraudulent trading and laundering the proceeds, between February 2013 and October 2019.

One brother was also convicted of engaging in aggressive commercial practices after threatening consumers who complained to prevent them from pursuing refunds. The brothers have both been disqualified from being directors for 10 years.

Their parents were also found guilty of money laundering and were sentenced to 2 years suspended for 2 years and both are required to attend 10 activity rehabilitation days.

The Committee noted the report.

TW96 UPDATE ON GOVERNMENT PLANS TO CUT SMOKING RATES AND TACKLE UNDERAGE VAPING

The Committee received a report to update on the Government's ambition to be smokefree for England by 2030.

In April, the Public Health Minister introduced a raft of measures. It is intended to be a collaborative approach and a series of steps have been announced:

1. To stop children and non-smokers from starting vaping.
2. To exploit the potential of vaping as a powerful tool to stop smoking.
3. To help more people quit smoking, particularly where rates are highest.

The Government will look at issues such as regulatory compliance, marketing and promotion and the environmental impact of disposable vapes.

The Government has also announced £3m of funds to be deployed for Trading Standards to tackle vaping issues now referred to as "Operation Joseph". To date, the Department of Health and Social Care has not signed off any detail.

A 'swap to stop' partnership is a scheme where smokers are provided with a vape starter kit alongside behavioural support to help them completely stop smoking.

Working with Councils and others a million smokers across England will be offered a free vaping starter kit. The scheme will run initially over the next 2 years targeting the most at-risk communities first.

Over half of all smokers approximately 3m people want to quit smoking, some of the most cost-effective stop smoking treatments are not currently available in England, however, working with suppliers will provide access to put licenced medications in the hand of people who would benefit the most from them.

The front of cigarette packs has contained 'smoking kills' warning signs since 1991, this will continue but there will be a consultation this year on introducing mandatory pack inserts with positive messages and information to help people quit. This is something required by law in Canada and has been effective as a measure to increase the number of people attempting to quit.

The Committee noted the information in the report.

TW97 METROLOGY LABORATORY REPORT - JULY 2023

The Committee received the Metrology Laboratory update report. It was noted that the Lab has gone through a number of staffing changes and a new structure is now in place with all posts filled. There will be some training requirements due to some of the post holders being new, it is hoped that the best possible solutions can be provided to all stakeholders and customers.

Figures for the last calendar year are better than those for 2021 and it has been the best year of income for 12 years. The building refurbishment plans are at an advanced stage although work at schools is prioritised over the summer the lab will be the next on the list after the summer. This will allow for some time for the lab to plan its work.

The weighbridge test unit will be in the region in May and November and will test all of the weighbridges in the area.

The lab has been asked to calibrate Northumberland County Council's weights and Cumbria has approached them to do theirs.

The public weighbridge is in high demand prior to the summer break for caravan and camper vans.

The UKAS Audit took place and there were some minor points picked up but they have all been addressed and the lab has retained its accreditation for another year.

The OPSS has extended its product safety sampling budget.

The Committee noted the report.



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

16th November 2023

2023/24 Estimated Outturn

Darren Collins, Strategic Director, Resources and Digital, Gateshead Council

Purpose of the Report

1.1 To advise the Joint Committee of the estimated outturn for the 2023/24 financial year.

Background

2.1 The estimated revenue outturn for 2023/24 is set out in Appendix 1.

Recommendation

3.1 The Joint Committee is recommended to:

- Note the details of the report at Appendix 1.

Contact: Michelle Pope, Email – MichellePope@Gateshead.Gov.Uk

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Appendix 1

	Budget 23/24 £	Outturn 23/24 £	Variance 23/24 £	Notes
Income				
Fees & Charges	145,000	145,866	-866	Actuals: 19/20 £145k, 20/21 £115k, 21/22 £115k, 22/3 £151k.
S.11 Stamping Fees	1,000	0	1,000	Done by Trading standards team now.
Levy on Constituent Authorities	238,584	238,584	0	
Total Income	384,584	384,450	134	
Expenditure				
<i>Employees</i>				
Direct Pay	247,519	218,956	-28,563	Vacant Laboratory Manager post partially offset by senior staff acting up. New structure in place.
Indirect Pay	4,000	4,722	722	Staff training.
	<u>251,519</u>	<u>223,678</u>	<u>-27,841</u>	
<i>Premises</i>				
Repairs & Maintenance	15,000	10,233	-4,768	
Utilities	31,500	31,500	0	
Rent	4,000	8,320	4,320	Includes delayed 22/23 rent.
Rates	8,866	9,899	1,033	
Other	12,700	14,376	1,676	Refuse disposal.
	<u>72,066</u>	<u>74,328</u>	<u>2,262</u>	
<i>Transport</i>				
Car Allowances	500	0	-500	
Vehicle Running Costs	1,000	2,223	1,223	Fuel, tax & insurance.
	<u>1,500</u>	<u>2,223</u>	<u>723</u>	
<i>Supplies & Services</i>				
Furniture & Equipment	21,000	21,300	300	
Equipment Lease - Hire Or Rent	11,000	7,000	-4,000	
UKAS Fees	9,000	10,000	1,000	
Telephones	1,000	701	-299	

Printing & Stationery	2,000	1,655	-345	
Insurance	5,000	5,210	210	
Postage	0	343	343	
Miscellaneous	7,000	1,879	-5,121	Includes £1k Clothing / uniforms .
	<u>56,000</u>	<u>48,087</u>	<u>-7,913</u>	

Central Admin

Central Admin charges	39,149	39,149	0	
	<u>39,149</u>	<u>39,149</u>	<u>0</u>	

Total Expenditure	<u>420,234</u>	<u>387,465</u>	<u>-32,769</u>	
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Net Expenditure	<u>35,650</u>	<u>3,014</u>	<u>-32,636</u>	0
	<u>0</u>	<u>0</u>	<u>0</u>	

	Outturn 23/24
	£
Reserve balance at 31st March 2023	-192,576
<i>Transfer to Reserve</i>	3,014
Estimated reserve balance at 31st March 2024	-189,562

Levy on Constituent Authorities

Gateshead Contributions	43,236
Sunderland	59,495
Newcastle	60,503
LACB South Tyneside	31,988
LACB North Tyneside	43,362
	<u>238,584</u>

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16 November 2023**Report for period to July 2023**

**Anneliese Hutchinson, Service Director, Economy, Innovation & Growth,
Gateshead Council**

Purpose of the report

To inform the Committee of the work of the Joint Metrology Laboratory for the period and operational duties to present.

Metrology Laboratory**Operational**

1. The laboratory is operating at full-strength with 6 full-time members of staff.
 - Laboratory Supervisor
 - Technical Supervisor
 - Technicians x3
 - Senior Support Assistant

All 6 members of staff are available to assist officers from the 5 authorities.

2. With the recent turnover of staff and re-structure, relevant training courses have been identified. The Laboratory Supervisor and Technical Supervisor have recently attended a UKAS Laboratory Manager's course. The Technical Supervisor will also be attending a Trading Standards Institute (TSI), Technical Management Course in November and February (2-part course).
3. Annex 1 gives the submission totals for the first three-quarters of 2023 along with the figures for 2022 over the same period for comparison purposes. 2022 was a record year for submissions and 2023 is already 600 submissions higher.
4. As previously reported, the building is due a refurbishment including a full electrical re-wire. Work is still due to begin this calendar year and be complete before the end of the financial year. The schedule will be managed to allow the building to remain operational during the work

Training

5. Over the last 6 months the laboratory has hosted several training courses for Trading Standards Officer's (TSO's) and trainees. For TSO's there was a TSI led course on the testing of disposable vapes. Trainees from the North-East Trading Standards Association (NETSA), including some from within Tyne & Wear, have been attending week-long courses aimed at helping them qualify as TSO's. In the future the laboratory aims to become a hub for TS apprentices and have a permanent training room that qualified TSO's can utilise for refresher training.

Aid and Advice to Industry

6. The weighbridge test unit (WBTU) has been booked by the laboratory for a week in November. Each of the 5 authorities has the WBTU for a day and technicians from the laboratory are available each day to assist.
7. The Public Weighbridge continues to be utilised by local industry and other road users.

UKAS Calibrations

8. Annual submissions have once again increased, and the numbers are presented in Annex 1.
9. The laboratory's annual UKAS audit is due in January 2024.

Product Safety

10. There have been a number of Halloween costumes submitted for flammability testing during October. It's pleasing to report that the majority of costumes, especially clothing, passed. An area of concern this year has been with face masks where there have been several failures. Follow-up action by both Gateshead and North Tyneside TS has led to these dangerous products being removed from sale.
11. The laboratory continues to manage the Office for Product Safety and Standards (OPSS) safety sampling budget for 2023/24 for the North-East and Yorkshire. The budget is primarily available to test products which are either manufactured or directly imported into the region.

Recommendation

12. The Committee is asked to note the contents of this report.

Contact: David Malone, Gateshead Council, 0191 4784550 or davidmalone@gateshead.gov.uk

Annex 1

Annual Total 2023 (Quarter's 1,2 & 3)

Submissions		Items
330	UKAS M1	2829
32	UKAS F2	258
419	UKAS F1	1527
143	UKAS E2	771
Total UKAS Submissions		5385
37	Sec 74(4)	80
2	NAWI	2
2	Volume	2
0	Traders	0
2	Verification	2
Total Submissions		5471
UKAS Certificates		934
Non UKAS Certificates		39

Annual Total – 2022 (Quarter's 1,2 & 3)

Submissions		Items
344	UKAS M1	2579
30	UKAS F2	198
419	UKAS F1	1380
110	UKAS E2	574
Total UKAS Submissions		4731
49	Sec 74(4)	110
2	NAWI	1
1	Volume	1
0	Traders	0
1	Verification	1
Total Submissions		4844
UKAS Certificates		913
Non UKAS Certificates		113

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16 November 2023

**Update on Illicit Tobacco Premises Closure
Orders**

**Anneliese Hutchinson, Service Director, Economy, Innovation & Growth,
Gateshead Council**

Purpose of the report

To update the committee on enforcement action carried out against retailers found to be selling illicit tobacco.

Illicit tobacco premises closure orders

1. Increasing tobacco prices is the number one policy lever to encourage smokers to quit and to discourage young people – who are particularly price sensitive – to start smoking. The illegal trade undermines all of this.
2. In the UK, progress has been made in recent years to reduce smoking rates to their lowest level yet. However, the existence of an illicit trade in tobacco products reduces the effectiveness of tobacco control measures because illicit tobacco is often available at cheaper prices, undermining the effectiveness of taxation, making it harder for smokers to quit.
3. Illegal tobacco is available from a range of sources within some local communities, making it easier for children to start smoking and enabling them to become hooked at a young age.
4. The illicit tobacco trade is often part of organised criminal activity and is linked to a range of other illegal trades including people-trafficking and drug smuggling. There is also evidence to suggest that the illicit tobacco trade funds terrorism.
5. Tackling sales of illicit tobacco remains a major challenge for trading standards services across the north east.
6. Data from the HMRC funded Op Cece project shows that between July and October this year alone a total 188,548 (or 9,457 packets) of cigarettes and 114.35kg of hand rolling tobacco were seized by trading standards officers across the region.
7. As trading standards teams have continued to crack down on the illicit trade, the traders involved have continued to modify the tactics they use to avoid being caught.

8. Historically pursuing prosecutions against the individuals involved in supplying illicit tobacco from retail premises have been ineffective due to the level of resources required to pursue cases relative to the penalties handed down by the courts for these offences.
9. In recent years, authorities across the north east have used powers under the Anti-social Behaviour, Crime and Policing Act 2014 to have closure orders granted against retail premises which have been used for the sale of illicit tobacco.
10. Premises closure orders under the Anti-social Behaviour, Crime and Policing Act 2014 can prevent anyone other individuals specified in the order from entering a premises for a period of 3 months, with the potential to extend this to 6 months where there is a continuing risk of the criminal behaviour occurring.
11. Over the past year, Trading standards teams across the Tyne and Wear area have used closure orders to great effect, with the processes involved in obtaining them becoming more and more streamlined.
12. Taking Gateshead as an example, 16 closure orders have been made against retailers in the area in the last 12 months, many of them long time offenders with links to other problem businesses across the Tyne and Wear area.

Recommendation

The Committee is asked to note the information.

Contact: Matthew Harman – Gateshead Council – 0191 433 3892 –
matthewharman@gateshead.gov.uk



Report to the Tyne and Wear Trading Standards Joint Committee

16 November 2023

Update on the Digital Markets, Competition and Consumers Bill.

**Anneliese Hutchinson, Service Director, Economy, Innovation & Growth,
Gateshead Council**

Purpose of the report

Digital Markets, Competition and Consumers Bill

1. On the 25 April 2023 the Government announced the proposals as contained in the Digital Markets, Competition and Consumers (DMCC) Bill which is seen as promoting growth in the UK economy by ensuring free and vigorous competition amongst businesses – both online and on the high street. It will also strengthen the Competition and Market Authority's (CMA) powers to crack down on unfair practices.

2. The bill reinforces the key principles that underpin the CMA's work, which are about helping people, businesses, and the economy. The bill has 3 areas of focus:

- **Consumer protection:** People need to be able to shop without fear of being ripped off and fair-dealing businesses should be able to compete without being disadvantaged by those who break the rules. The CMA has taken enforcement action against those who use unfair practices to dupe people into handing over their money – taking action on fake reviews, subscription traps and pressure selling. The new rules in this bill will allow the CMA to be even more effective. They will empower the CMA to decide when consumer law has been broken, rather than having to take each case to court. This will help ensure people are protected more quickly, and fair-dealing firms are not disadvantaged. The bill will also allow the CMA to fine businesses which do break the law up to 10% of their global turnover.
- **Digital markets:** People and businesses benefit from vibrant, competitive digital markets which offer the latest products and services. The bill establishes a new, targeted regime built for the digital age, overseen by the Digital Markets Unit (DMU) in the CMA – that will use a proportionate approach to hold digital firms accountable for their actions – enabling all innovating businesses to compete fairly. It will set rules that will prevent firms with Strategic Market Status from using their size and power to limit digital innovation or market access – ensuring the UK remains a highly attractive place to invest and do business for all.
- **Competition:** Bolstered investigative and enforcement powers will mean the CMA can conduct faster and more flexible competition investigations, which identify and stop unlawful anticompetitive conduct more quickly. Changes to the competition framework – including updated merger and fine thresholds –

is seen as making it easier for the CMA to take action against mergers which harm UK consumers and businesses. Such changes are seen as allowing the CMA to continue to protect and promote open and free markets, spurring companies to innovate and bring more products to market, providing more choice for customers and creating a strong foundation for economic growth.

3. CTSI has been involved in policy work around the Digital Markets, Competition and Consumers (DMCC) Bill. Amendments submitted by CTSI include clarifying key definitions, requesting powers for Trading Standards Officers in the realm of online marketplaces, and amending methods by which Trading Standards Officers can request information from businesses.

4. CTSI has held meetings with the Department for Business and Trade (DBT) to offer consultation on aspects of the Bill, such as the ability of Trading Standards officers to access necessary information, and whether Trading Standards should have enforcement responsibilities regarding Consumer Savings Schemes. Following this, CTSI has timetabled follow-up meetings with DBT to discuss Online Interface Orders (OIOs) and will take part in the newly released Government consultation entitled 'Smarter regulation: improving price transparency and product information for consumers consultation'.

Recommendation

4. The Committee is asked to note the information.

Further information can be found at: <https://bills.parliament.uk/bills/3453>

Contact: Paul Leighton – Newcastle City Council - paul.leighton@newcastle.gov.uk

**Anneliese Hutchinson, Service Director, Economy, Innovation & Growth,
Gateshead Council**

Purpose of the report

To update the committee on the Office for Product Safety and Standards' annual report into weights and measures compliance in the UK and concerns raised by the Chartered Trading Standards Institute about whether consumers are receiving a fair measure from retailers.

OPSS Section 70 Report

1. Under Section 70 of the Weights and Measures Act 1985, all local weights and measures authorities in the UK are required to provide data to the Office for Product Safety and Standards (OPSS) on weights and measures compliance checks carried out in their areas.
2. OPSS recently published its annual report on the information returned by the local weights and measures authorities.
3. A copy of this year's report is available to view at [:https://www.gov.uk/government/statistics/section-70-weights-and-measures-returns-and-reports/section-70-weights-and-measures-report-2022-to-2023](https://www.gov.uk/government/statistics/section-70-weights-and-measures-returns-and-reports/section-70-weights-and-measures-report-2022-to-2023).
4. The Chartered Trading Standards Institute (CTSI) has raised concerns that retailers have the second-lowest rate of weights and measures compliance, meaning that customers cannot be sure they are getting what they pay for.
5. Medical institutions were among the least visited types of regulated entity during 2022-23, and that this year the rate of compliance for medical measuring equipment has fallen from 94% to 82%, meaning almost one fifth of equipment inspected was non-compliant – the highest rate of non-compliance.
6. 14% of Trading Standards respondents to the Section 70 survey said the cost-of-living crisis made legal metrology a key concern.
7. CTSI welcomed the 91% increase in officers studying the CTSI legal metrology module since 2012-13, especially the rise from 41 in 2020 to 112 in 2022-23.
8. However, the number of UK legal metrology officers has still fallen by 26% since 2012-13, and there has been a decrease of 34% in legal metrology work carried out in local authorities since then.

9. CTSI Chief Executive, John Herriman, commented: “It is great to see the publishing of this data by OPSS, as it offers insights about the state of play for legal metrology and Trading Standards enforcement across the country. However, this data also demonstrates the need for further investment into legal metrology so that more weights and measures work can be carried out across the UK, particularly with the costly pressures of winter approaching which will hit those affected by the cost-of-living crisis the hardest.”
10. Lead Officer for Legal Metrology at CTSI, Daniel Maxim, added, “While it is good to see this data released, it presents a stark insight to the health of the UK legal metrology system. There can be no doubt that a great deal more needs to be done to resource and redevelop the robust system of protection consumers and businesses alike are entitled to.
11. “It is essential that OPSS urgently heeds these warning signs, in particular around cost-of-living pressures on consumers, low staffing capacity and the continued lack of any legal metrology activity by many Authorities, illustrated by the decline in compliance of patient weighing instruments. It is now essential that greater strategic co-ordination and resourcing be applied so that all elements of local and central Government can work effectively together to create a safe and fair environment for the public.”
12. Charles Pullen, President of the UK Weighing Federation, which represents UK weighing machine manufacturers, commented: “As a basic principle, consumers should be safe, and get what they pay for. This new data suggests this principle is at risk. Accurate weighing instruments are critical for consumer confidence and safety, but also for fair business practices. UK Weighing Federation companies welcome good regulation of our industry to ensure accuracy and quality, but recognise it is only helpful if it is properly enforced. Trading standards departments must be adequately resourced to carry out regular inspections of weights and measures equipment in every part of the country.”

Recommendation

The Committee is asked to note the information.

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16th November 2023

**Government testing confirms concern UK has
become a dumping ground for unsafe
products.**

**Anneliese Hutchinson, Service Director, Economy, Innovation & Growth,
Gateshead Council**

Purpose of the report

1. To inform the Committee of a recent report by the Office for Product Safety and Standards' (OPSS) on online marketplace product testing and concerns at the high rate of non-compliance demonstrating that online marketplaces are still flooding the UK with unsafe goods and posing serious risks to UK consumers.

Background

2. OPSS carried out the testing of 2,260 products between October 2021 and September 2022, finding that 1,832 (81%) failed product safety testing. The product category with the highest rate of non-compliance was toys, posing a large risk to children, closely followed by small mains powered electricals.
3. The toys tested failed product safety testing on areas such as strangulation hazards to children under 36 months.
4. Electrical items failed testing against UK safety standards for electrical goods, which could pose a risk of electric shocks or electrical fires, presenting a serious concern for consumers.
5. Other areas of concern identified by the testing include:
 - Button batteries
 - PPE
 - Cosmetics
 - Chainsaw discs
 - Magnetic toys
6. The Chartered Trading Standards Institute (CTSI) said it was concerned about the overwhelmingly high rate of non-compliance, demonstrating that online

marketplaces are still flooding the UK with unsafe goods and posing serious risks to UK consumers.

7. CTSI Chief Executive, John Herriman, said: “We welcome the OPSS investigation into the safety of products being sold on online marketplaces. However, the sheer volume and proportion of goods that aren’t meeting basic safety checks is appalling – we have standards for a reason – including to protect the public’s health and safety.

It is concerning to see this level of products failing safety testing, particularly when the highest category of non-compliance is toys.

We would urge the Government to take action to stop unsafe products entering our supply chains and online marketplaces – this includes ensuring enough checks are taking place at ports and borders. We also call on online marketplaces to be more rigorous in undertaking checks across their platforms.

As well as calling for increased resources for Trading Standards, CTSI will continue to work with industry and product safety stakeholders to examine whether the current regulations and processes are enough to keep the UK economy fair and safe.”

8. The OPSS’ report has also confirmed findings by the British Toy and Hobby Association (BTHA) who have tested over 550 products in the last six years and have been pushing for a change in the law to ensure that the online marketplaces are jointly and severally liable for products sold by third parties via their platforms, which otherwise would not have access to the UK market.
9. Jerry Burnie OBE, Head of Compliance at the British Toy and Hobby Association (BTHA), commented “...We are pleased that OPSS’ own figures have now confirmed our findings and hope that sufficient action will be taken to ensure consumers are protected from these dangerous and unsafe products.”
10. The UK charity Electrical Safety First, who work with all sectors of the electrical industry have agreed that the evidence is overwhelming. It shows that online shopping is a minefield, with consumers unknowingly exposed to thousands of unsafe goods, many of which can be in their homes the very next day.
11. Lesley Rudd Chief Executive commented “Decisive action has never been so urgent, online marketplaces cannot be relied upon to self-regulate the issue of illegal and harmful goods on their platforms. The Government must act without delay to finally force them to take steps to ensure that these goods sold via their sites, from which they profit, are safe.”

Summary

12. Product standards are vital for maintaining a fair and safe UK economy and ensure that products are safe for children and adults alike. Standards also ensure a fair UK economy for businesses to compete in. Online marketplaces are not doing enough to deliver adequate product standards for consumers.

13. While it is common knowledge that the capacity of Trading Standards services is stretched as far as possible, the data published by OPSS demonstrates the need for further investment into the service, in order that the UK does not become a dumping ground for unsafe products sold online.

Recommendation

14. The Committee is asked to note the information.

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