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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](mailto: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**