

TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE AGENDA

Thursday, 24 September 2015 at 10.00 am in the Whickham Room - Civic Centre

From the Chief Executive, Jane Robinson

Item	Business
1.	Apologies for Absence
2.	Minutes (Pages 3 - 10) The Joint Committee is asked to approve as a correct record the minutes of the previous meeting held on 25 June 2015
3.	Chartered Trading Standards Institute - Create A Campaign Presentation of the Winning Video by South Tyneside Students
4.	Report and Statistical Return for the Quarter Ending June 2015 (Pages 11 - 14) Report of the Strategic Director, Communities and Environment, Gateshead Council
5.	Update on the Packaging (Essential Requirements) Regulations 2015 (Pages 15 - 18) Report of the Strategic Director, Communities and Environment, Gateshead Council
6.	Crime Prevention Events and Scams Awareness (Pages 19 - 20) Report of the Strategic Director, Communities and Environment, Gateshead Council
7.	Update on the Consumer Rights Act 2015 (Pages 21 - 24) Report of the Strategic Director, Communities and Environment, Gateshead Council
8.	Date and Time of Next Meeting Thursday 26 November 2015 at 10.00 am

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TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE

THURSDAY 25 JUNE 2015 AT 10.00AM

PRESENT:

GATESHEAD COUNCIL

Councillor K Dodds (Chair)
Councillor T Graham

NEWCASTLE CITY COUNCIL

Councillor M Lowson
Councillor S Lambert
Councillor N Kemp

NORTH TYNESIDE COUNCIL

Councillor J O'Shea

SOUTH TYNESIDE CITY COUNCIL

Councillor A McMillan
Councillor A West

SUNDERLAND CITY COUNCIL

Councillor D MacKnight
Councillor J Blackburn

TW/01/15. APPOINTMENT OF CHAIR

RESOLVED - That Councillor K Dodds be appointed as Chair for the municipal year 2015/16.

Councillor Dodds took the Chair.

TW/02/15. APPOINTMENT OF VICE-CHAIR

RESOLVED - That Councillor D MacKnight be appointed as Vice Chair for the municipal year 2015/16.

TW/03/15. CONSTITUTION

RESOLVED - That the constitution of the Committee be noted.

TW/04/15 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor M Foy (Gateshead Council), Councillors Mordey and Scanlon (Sunderland City Council), Councillor S Graham (North

Tyneside Council) and Councillor T Dixon (South Tyneside Council)

TW/05/15. MINUTES

RESOLVED - That the minutes of the last meeting held on 26 February 2015 be approved as a correct record and signed by the Chair.

TW/06/15. ANNUAL RETURN AND RISK REGISTER FOR THE YEAR ENDED 31 MARCH 2015

The Committee received the Annual Return for 2014/15 and current risk register for 2015/16.

- RESOLVED - (i) That the Annual Return for 2014/15 be approved and signed by the Chair and the Clerk.
- (ii) That the Risk Register 2015/16 be approved.
- (iii) That the Joint Committee acknowledged and noted the letter from the Audit Commission

TW/07/15. REPORT AND STATISTICAL RETURN FOR THE QUARTER ENDING MARCH 2015

The Committee received the Statistical Return for the work of the Joint Metrology Laboratory for the quarter ending March 2015.

- RESOLVED - (i) That the information be noted.
- (ii) That a full breakdown on expenditure and income for the Joint Metrology Laboratory be provided to all members of the Joint Committee via email.

TW/08/15. SCAMS AWARENESS MONTH

Scams Awareness month takes place in July 2015. Over the month four key channels will be looked at:

- Telephone scams
- Online scams
- Mail scams

- Doorstep scams

Posters will be displayed in public areas and post cards be available for consumers to take home. Electronic notice boards will also be used to promote each area and where to get more help and information and links to SAMS15 on the council websites. Some authorities may present themselves at local shopping centres, sheltered housing, community centres or local community events.

The current scams to be aware relate to pensions, investments (usually targeted at the over 55s), Vishing phone scams, number spoofing, courier scams, subscription traps and computer software scams.

RESOLVED - That the information be noted

TW/09/15.

IMPACT OF ENERGY DRINKS ON CHILDREN

The Committee was advised of the issues surrounding the use of energy drinks by children.

The Committee expressed concern about the regular consumption of these products by children. Parents, teachers and school governors have also all expressed concern over their consumption.

- RESOLVED -
- (i) That the information be noted.
 - (ii) That colleagues in public health be asked to assist in the publication of an advice and guidance note for dissemination throughout all local authorities.
 - (iii) That the concerns of the Joint Committee be reported at each of the authorities Health and Wellbeing Boards.
 - (iv) That a further report be brought back to a future meeting of the Joint Committee.

TW/10/15.

UPDATED REPORT ON NEW PSYCHOACTIVE SUBSTANCES

An update was given on the latest development with the strategy adopted to fully tackle the marketing and sale of New

Psychoactive Substances (NPSs) known as so called 'legal highs'. This follows on from a report to the Committee in September 2014.

The Committee also received an update on the Psychoactive Substances Bill currently progressing through the various parliamentary stages over the next six months.

- RESOLVED - (i) That the information be noted.
- (ii) That a further letter be sent to local MPs thanking them for their assistance so far but requesting them to maintain pressure on this issue at appropriate opportunities.

TW/11/15.

OPERATION HENRY – TACKLING THE SUPPLY OF ILLICIT TOBACCO PRODUCTS

The Committee was informed the final outcome of the national project Operation Henry aimed at tackling the supply of illicit tobacco.

The remit of the operation was to focus on retail outlets using intelligence reports received by Trading Standards Services. Operational teams consisted of Local Trading Standards staff, the Regional Scambusters Team, Police Officers and the tobacco detection dog search team.

The operation within the North East region was conducted in two phases, a week during May 2014 and a second week during September 2014. Operation Henry is the first time local authorities across the North East have used specialist sniffer dogs as part of their clampdown on illegal tobacco.

Across Tyne and Wear a number of premises were visited with all but one found to be in possession of some form of illegal tobacco product resulting in the seizure of over 185kg of hand rolling tobacco and 6,400 cigarettes.

A number of matters remain under investigation with formal action likely to follow.

- RESOLVED - That the information be noted.

TW/12/15.

REPORT ON THE SAFETY OF NITROUS OXIDE

The Committee was advised of the latest developments with the growth in the marketing of and alleged abuse with the supply of products containing Nitrous Oxide.

Currently officers can identify at least two businesses in Newcastle dedicated to the sale and supply of Nitrous Oxide. Both of these businesses operate through the internet and very much focus on the promotion of sales of the products through social media sites.

Officers have presented and highlighted the dangers of supplying Nitrous Oxide for recreational uses to members of the City Centre Pubwatch group.

Following an undercover operation, conducted by reporters at "Metro Radio" one business involved with the supply has been fully advised of the related legislative provisions.

The City Council has determined that on land owned by the City Council and where events may take place, the supply of products containing Nitrous Oxide is banned.

Councillor Stephen Powers, in his capacity as the Deputy Cabinet Member for Community Safety and Regulation, wrote a letter dated 25 February 2015 to Lynne Featherstone MP at the Home Office and which highlighted the dangers of supply of Nitrous Oxide for recreational purposes and the related concerns of the City Council.

RESOLVED - That the information be noted.

TW/13/15.

UPDATE ON THE SAFETY OF CHILDREN'S HALLOWEEN COSTUMES

The Committee received an update on the latest developments with product safety related to children's Halloween costumes.

As a result of the high profile accident where the eight year old daughter of Ms Claudia Winkleman was rushed to hospital after her Halloween costume caught alight.

In a press release, the Chief Fire Officers' Association (CFOA) called for children's fancy dress clothing to meet the same safety standards as children's nightclothes and for further research into the labelling of adult clothing.

The British Standards Institute has called a joint meeting on the safety of toys and textiles. This meeting will take place in London on 10 July 2015.

A further update will be given to the Committee in future.

RESOLVED - That the information be noted.

TW/14/15

UPDATE ON THE REVIEW ON PRODUCT SAFETY RECALLS

The Committee was advised on the latest developments with product safety recalls.

The Trading Standards Central web site run by the Chartered Trading Standards Institute contains a list of product safety notices and recalls.

An independent review has been requested of the UK's system for the recall of unsafe products, and will focus on how we can make enforcement more effective and explore consumer understanding of the process.

Consumers and businesses are encouraged to get in touch about their experiences of consumer product recalls. The views of the authorities who enforce recall across the UK and other stakeholders such as the legal, medical and insurance professions are also welcomed.

RESOLVED - That the information be noted.

TW/15/15

UPDATE ON FURNITURE FIRE SAFETY

The Committee received an update on the latest developments of product safety related to furniture and furnishings.

As a result of a "Fake Britain" TV programme a special investigation revealed that sofas and mattresses being sold by some of the UK's best known retailers were allegedly illegal and potentially lethal.

The Department for Business, Innovation and Skills (BIS), through its national funding project invited local authorities throughout England and Wales to submit project bids around the issue of furniture fire safety.

Both Northumberland County Council and Newcastle City Council are involved with the national project. In Newcastle the Trading Standards service determined to concentrate on the discount furniture market within the city. Three items of furniture were purchased from three different business premises. Two out of the three items of furniture when tested failed the relevant tests for ignitability. Criminal investigations into these alleged failures are ongoing.

Proposals on changes to the testing regime under the Furniture and Furnishings (Fire) Regulations will be considered as part of the full review of the regulations which is already underway.

RESOLVED - That the information be noted.

TW/16/15.

DATE AND TIME OF NEXT MEETING

Thursday 24 September 2015 at 10.00 am

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Report to the Tyne and Wear Trading Standards Joint Committee

24 September 2015

Report and Statistical Return for the Quarter Ending June 2015

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 June 2015.

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 also training supervision of one employee of Northumberland County Council.

Contribution to National Objectives

3. The laboratory was contracted by the Trading Standards Institute to provide training for professional examinations. The training will take place at the Met Lab in October. This is the fourth year of providing specialised training for the profession.
4. The manager was responsible for reconfiguring the professional examinations for Weights and Measures on behalf of the National Measurement & Regulation Office.

Aid and Advice to Industry

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.
6. Measurement Audit conducted at wholesale butchery to comply with their accreditation.

EC Verifications

7. During this period, A batch of 350 capacity serving measures were submitted for verification, as well as small and large non-automatic weighing instruments.

UKAS Calibrations

8. Weights continue to be submitted for calibration and issue of UKAS Calibration Certificates.

Toy Safety

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

Electrical Safety

10. Various samples for testing were submitted to the laboratory and these consisted of chargers and were found to be non-compliant with the relevant legislation. Referrals from Newcastle's First Contact resulted in home visits being undertaken to establish electrical safety and fire risk in resident's premises.

Cigarette Samples

11. Numerous samples of cigarettes were submitted to the laboratory for reduced ignition propensity and were found to be non-compliant with legislation.
12. Previous completed samples have been through the courts which resulted in a 12 month custodial sentence in a London Borough, a suspended custodial sentence in Sunderland and various fines imposed in other areas.

Statistical Return

13. The statistical return for the period April to June 2015 is contained within Appendix 1.

Recommendation

14. The Committee is asked to note the information.

APPENDIX 1**STATISTICAL RETURN FOR THE QUARTER ENDING JUNE 2015**

Activity	Number	Income
S.74 (4) (b) verifications	169	£1909.98
UKAS Accredited calibrations	976	£21 110.59
Toy / Electrical tests	1	£ 160.00
Weighbridge	311	£1 386.25
Hire of weights	1	£ 184.52
PAT testing		£ 197.75
Additional Income		£4 559.65
RIP testing	17	£ 1 600.00
Total Income (ex VAT)		£ 32 908.74

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Report to the Tyne and Wear Trading Standards Joint Committee

24 September 2015

Update on the Packaging (Essential Requirements) Regulations 2015

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

Purpose of the report

To notify the committee of the update to the regulations in relation to essential packaging.

1. The existing legislative framework in respect of essential requirements for packaging is to be revised and amended in 2015, as the Packaging (Essential Requirements) Regulations 2015 (the Regulations) come into force on the 1 October 2015.
2. The new Regulations revoke and replace the Packaging (Essential Requirements) Regulations 2003. The 2003 Regulations implemented Articles 9 and 11 of the EC Directive 94/62/EC on packaging and packaging waste.
3. The 2015 Regulations introduce a definition of “plastic” and “plastic carrier bags”. This is in line with the proposed Regulations on the charging for single use carrier bags which will come into force also on the 1 October 2015.
4. Packaging means all products used to contain, protect, handle, deliver and present goods. Packaging designed to stay with the product during its life, such as a case, is not subject to the regulations.

Main Legal Requirements

5. No packaging can be placed on the UK market unless it meets the essential requirements and the heavy metal content is within the limits set.
6. The essential requirements are:
 - The volume and weight of the packaging must be kept to the minimum amount to ensure the necessary levels of safety, hygiene and consumer acceptance for the packed product.
 - Hazardous substances and materials must be kept to a minimum in terms of their emissions when incinerated or landfilled - for example from ash or leachate (the liquid that drains from a landfill site)
7. The packaging must be suitable for one of the following: recycling, energy recovery (meaning that burning it must produce more energy than the incineration process), and organic recovery such as composting.

8. If reuse is claimed, the packaging must be suitable for that purpose as well as at least one of the recovery methods stated above.
9. The total heavy metal limits should not exceed 100 parts per million. These apply to cadmium, mercury, and lead and hexavalent chromium. However these limits do not apply to: plastic crates and pallets that have been made from at least 80% recycled plastic that have not intentionally had any heavy metals added and glass packaging, providing the person responsible can show to the Trading Standards authority that none of the above mentioned substances have been added during the manufacturing process and that the average concentration of them in the furnace does not exceed 200 parts per million.

Who is responsible?

10. The regulations apply throughout the UK to people who:
 - design or manufacture packaging
 - pack or fill the packaging
 - claim to do so by putting their name on the packaging.(own brand products)
 - import the packaging into the UK
11. The Regulations apply regardless of turnover and amount or type of goods packaged.

Obligation to Keep Information

12. Any packaging designed or used as part of any business must conform to these requirements. Businesses are required to keep evidence that packaging conforms to these requirements for four years from the date that the packaging was placed on the market.
13. This evidence must be made available to an enforcement authority within 28 days of their requesting it. The local 'weights and measures authority' has a duty to enforce the legislation.

What happens if the packaging doesn't comply or the business doesn't provide evidence?

14. The cost of non-compliance could be substantial. Non-complying products can be suspended from supply. Businesses could face an unlimited fine, and in extreme cases a jail sentence of up to three months.

Guidance on Compliance

15. The Regulations provide a defence for anyone charged with an offence if they can show they took all reasonable precautions and exercised due diligence to avoid committing an offence. Reasonable precautions means setting up systems to ensure that they comply with the law, due diligence means taking steps to ensure the systems operated by businesses are working properly.
16. What is considered reasonable depends on the size of the business. For example, for a take-away establishment, compliance may be as simple as switching containers from polystyrene to cardboard, whereas for a larger establishment compliance will require more work.

Further Information

17. Further detailed information and assistance can be sourced through:

- www.incpen.org - Code of practice for responsible packers
- www.gov.uk/managing-your-waste-an-overview - Advice on waste management and, for companies with a turnover of £2 million or above and handling 50 tonnes or more of packaging in a calendar year.

Recommendation

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

Contact: David Ellerington, City of Newcastle upon Tyne Council on 0191 2116119
or e.mail david.c.ellerington@newccastle.gov.uk

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Report to the Tyne and Wear Trading Standards Joint Committee

24 September 2015

Crime Prevention Events and Scams Awareness

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

Purpose of the report

This report is to notify the committee of current education events taking place in the region in conjunction with Northumbria Police and Barclays Bank as well as recent scams statistics including a live case study from the North East Region.

1. Trading standards are working with Northumbria Police's Crime Prevention Team and visiting local Barclays branches to offer tips about staying safe online.
2. Community events have been organised and are aimed to help consumers be better informed and protect themselves against fraudsters.
3. Officers are offering advice on a host of issues including
 - banking fraud and scams,
 - spotting fake emails,
 - buying safely online,
 - rogue traders and
 - postal fraud.
4. They have also discussed doorstep crime prevention including courier fraud, distraction burglary and cold calling.
5. Information is also given to staff employed by Barclays on how to deal with unusual activity should a consumer attend a branch to withdraw large amounts of cash which is out of the ordinary.
6. Statistics circulated from the National Trading Standards Scams Team indicate that the average age of scam victims is 73. The total detriment reported nationally is in the region of £15,950,720.75. This equates to an average detriment per person based on the number of scam victims to £1,076.81.
7. A victim from Hartlepool was featured in the National Trading Standards Scams Team newsletter where they had bought shocking amounts of chocolate in an effort to claim a prize. She had gone from having a positive balance in her bank account to being overdrawn and unable to pay her rent or feed herself. It transpired she had been responding to prize draw letters from a number of catalogues for a three year period and had spent around £20k.
8. A Truecall Care unit was fitted to this consumers home. It was locked down to only allow the unit to make calls and to receive them from trusted callers which

had an immediate effect on the number of calls that were received and the state of mind of the consumer.

9. The report from trueCall shows that she was receiving around 70 nuisance calls per month and during the worst month 121 were received.
10. A family member managed to claim back around £12k from the banks and have taken control of her finances.



Recommendation

11. The Committee is asked to note the information and refer any vulnerable residents to trading standards.

Contact: Tracey Johnson, Gateshead Council on 0191 4333934 or email traceyjohnson@gateshead.gov.uk

Report to the Tyne and Wear Trading Standards Joint Committee

24 September 2015

Update on the Consumer Rights Act 2015

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

Purpose of the report

To notify the committee of the change in the legislative framework surrounding contractual issues which are changing on 1 October 2015 when the Consumer Rights Act comes into force.

1. The law will be clearer and easier to understand. On the rare occasions when problems arise, they will be able to sort out disputes more quickly and cheaply. The changes are relevant to all consumers and every business which sells directly to consumers.
2. It is estimated that UK consumers spend £90 billion a month. It is viewed that more transparent rights will help them to make better choices when they buy and save them time and money.

Why is this important now?

3. Consumers will have enhanced, easy to understand consumer rights following the implementation of the Act. This will change core consumer rules around what to do if, for example, goods or services as bought and which are faulty.
4. The updated rights will help consumers and businesses to avoid disagreements. But when a problem does occur, changes are also being brought in to make disputes easier to settle. Alternative Dispute Resolution, for example through an Ombudsman, can offer a quicker and cheaper way of resolving disputes than going through the Courts.

What do consumers and businesses need to know?

5. In October, when the Act comes into force, it will cover:
 - what should happen when goods are faulty;
 - what should happen when digital content is faulty;
 - how services should match up to what has been agreed, and what should happen when they do not, or when they are not provided with reasonable care and skill;
 - unfair terms in a contract;
 - what happens when a business is acting in a way which isn't competitive;
 - written notice for routine inspections by public enforcers, such as Trading Standards Officers; and

- greater flexibility for public enforcers, such as Trading Standards, to respond to breaches of consumer law, such as seeking redress for consumers who have suffered harm.
6. Most of these changes are important updates to existing laws. But there are two new areas of law.
 7. This will be the first time that rights on digital content will have been set out in legislation. The Act gives consumers a clear right to repair or replacement of faulty digital content such as online film and games, music downloads and e-books. The law here has been unclear up until now and this change brings us up to date with how digital products have evolved.
 8. For the first time, there are clear rules for what should happen if a service is not provided with reasonable care and skill or as agreed. For example, the business that provided the service must bring it into line with what was agreed with the customer or, if this is not practical, must give some money back.
 9. The Act stands alongside Regulations to create a greatly simplified body of consumer law. Taken together, they aim to set out the basic rules which govern how consumers buy and businesses sell to them in the UK.

Alternative Dispute Resolution

10. Alternative Dispute Resolution will be available to all businesses to help when a dispute with a consumer cannot be settled directly. Up until now, the service has only been available in certain sectors. A business which is involved in a dispute will need to make the consumer aware of a relevant certified Alternative Dispute Resolution provider. The business should also let the consumer know whether or not they are prepared to use the Alternative Dispute Resolution provider to deal with the dispute. A business does not have to use Alternative Dispute Resolution unless it operates in a sector where existing legislation makes it mandatory (for example, financial services).

Letting Agents Fees

11. The duty placed on letting agents to display fees came into effect under the provisions of the Act.
12. Letting agents must display fees:
 - on each of their premises where they deal face to face with persons using, or proposing to use, services to which the fees relate,
 - the list must be displayed in a place where it is likely to be seen,
 - they must also display the list on their website, if they have one.
13. The list of fees displayed must include:
 - a description of each fee to enable a person who is liable to pay it to understand what it is and its purpose,
 - an indication of whether each fee relates to each dwelling house or to each tenant,
 - applicable tax and, where the fee cannot be determined in advance, how it might be calculated.

14. In addition in England, letting agents engaging in letting agency or property management working relating to dwelling houses must display:
- a statement of whether they are a member of a client money protection scheme, if they hold client's money,
 - a statement that they are a member of a redress scheme, and the name of that scheme, if they are required to be a member.
15. The duty to display fees, applies to fees, charges or penalties payable to the letting agent by a landlord or tenant in connection with letting agent or property management work or otherwise in connection with an assured tenancy.
16. However the duty does not apply to the following:
- the rent payable under the tenancy,
 - any fees, charges or penalties or penalties which the letting agent receives from a landlord under a tenancy on behalf of another person,
 - a tenancy deposit within the meaning of Section 212(8) Housing Act 2004,
 - any other fees, charges or penalties specified in regulations

What should the Consumer do?

17. When the new law comes into force in October, consumers should be able to learn much more easily what their rights entitle them to. Consumers are advised to bear in mind their rights when they are researching purchases and when they decide between various businesses. Consumers should be clear where they go for more information in advance of a purchase and what to do if a problem arises.
18. From October 2015, Citizens Advice will be the primary source of information and advice on the new laws for consumers. Go to the Citizens Advice website for more detailed information: <https://www.citizensadvice.org.uk/>

Recommendation

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

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