

## TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE AGENDA

Thursday, 26 November 2015 at 10.00 am

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From the Chief Executive, Jane Robinson

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Item	Business
1.	<b>Apologies for Absence</b>
2.	<b>Minutes</b> (Pages 3 - 8)  The Joint Committee is asked to approve as a correct record the minutes of the previous meeting held on 24 September 2015.
3.	<b>Review of Audit In Relation to 2014 - 2015 Accounts</b> (Pages 9 - 20)  Report of the Strategic Director, Corporate Resources, Gateshead Council
4.	<b>Change in Audit Arrangements</b> (Pages 21 - 24)  Report of the Strategic Director, Corporate Resources, Gateshead Council
5.	<b>Report and Statistical Return for the Quarter Ending September 2015</b> (Pages 25 - 28)  Report of the Strategic Director, Communities and Environment, Gateshead Council
6.	<b>Trading Standards and The Care Act 2014</b> (Pages 29 - 30)  Report of the Strategic Director, Communities and Environment, Gateshead Council
7.	<b>Report on Activity Around Fireworks in 2015</b> (Pages 31 - 34)  Report of the Strategic Director, Communities and Environment, Gateshead Council
8.	<b>Update on the Safety of Children's Halloween Costumes</b> (Pages 35 - 38)  Report of the Strategic Director, Communities and Environment, Gateshead Council
9.	<b>Update on the Report of the Working Group on Consumer and Competition Policy for Scotland</b> (Pages 39 - 42)  Report of the Strategic Director, Communities and Environment, Gateshead Council
10.	<b>Update on the Work of the Product Safety Focus Group</b> (Pages 43 - 46)  Report of the Strategic Director, Communities and Environment, Gateshead Council
11.	<b>Date and Time of Next Meeting</b>  Thursday 25 February 2016 at 10.00 am

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# Agenda Item 2

2

## TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE

THURSDAY 24 SEPTEMBER 2015 AT 10.00AM

### PRESENT:

#### **GATESHEAD COUNCIL**

Councillor K Dodds (Chair)  
Councillor M Foy  
Councillor T Graham

#### **NEWCASTLE CITY COUNCIL**

Councillor M Lawson  
Councillor N Kemp

#### **NORTH TYNESIDE COUNCIL**

Councillor J O'Shea  
Councillor S Graham

#### **SOUTH TYNESIDE CITY COUNCIL**

Councillor A McMillan  
Councillor A West  
Councillor T Dixon

#### **SUNDERLAND CITY COUNCIL**

Councillor D MacKnight  
Councillor J Blackburn  
Councillor M Mordey

TW/17/15.

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor C Ord, Gateshead Council, Councillor S Lambert, Newcastle Council and Councillor L Scanlon, Sunderland Council.

TW/18/15.

### MINUTES

RESOLVED - That the minutes of the last meeting held on 25 June 2015 be approved as a correct record and signed by the Chair.

**TW/19/15.**

## **CHARTERED TRADING STANDARDS INSTITUTE – CREATE A CAMPAIGN**

The Committee had previously been advised of a competition launched by the Trading Standards Institute to create a campaign. Posters were distributed across Tyne and Wear Schools and Hebburn Comprehensive won the prize with their entry.

The winning campaign was a short film about the choices children can make when it comes to drinking and smoking and this was shown to the Committee. The children from year 10 attended the Committee and explained their thinking about the production of the film. They won £1,000 and are hoping the film will be shown across secondary schools in Tyne and Wear and are looking at the possibility of how it can be added to social media (given safeguarding precautions which need to be in place).

The Committee congratulated the young people for their excellent film which touched on a number of issues which could affect young people and they hoped it would be able to reach a wider audience.

**RESOLVED -** That the Committee place on record its congratulations to the pupils of the school for their excellent work in producing the film.

**TW/20/15.**

## **REPORT AND STATISTICAL RETURN FOR THE QUARTER ENDING JUNE 2015**

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

**RESOLVED -**

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

**TW/21/15.**

## **UPDATE ON THE PACKAGING (ESSENTIAL REQUIREMENTS) REGULATIONS 2015**

The Committee considered these regulations in relation to essential packaging which 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 1 October 2015.

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.

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).

The regulations are based on EU regulations and meet essential safety requirements.

RESOLVED - That the information be noted.

**TW/22/15.**

**THE ENERGY PERFORMANCE OF BUILDINGS (ENGLAND AND WALES) (AMENDMENT) (No. 2) REGULATIONS 2015 - SI 2015 NO. 1681**

The Committee was informed of the contents and purpose of these regulations.

The key intentions of the new SI are as follows:

- One local authority in its role as a weights and measures authority will need to enter into an agreement with another local authority for the enforcement of the Energy Performance Certificate (EPC) provisions relating to its own buildings within 3 months of the proposed SI coming into force on 9 October 2015.
- That local authority will then need to notify the Secretary of State at the Department for Communities and Local Government (DCLG) about this agreement.
- Once an agreement has been made to enforce the provisions in any other authority's area the enforcement authority will then need to collect information about the buildings subject to the controls in that other area.

- The enforcement authority will then need to report annually to the Secretary of State at DCLG about the actions that have been taken within 2 months of the start of the year and in a form prescribed by the Secretary of State.

With ever reducing budgets across government agencies and, in particular, local authority trading standards services (LATSS), the capacity of services to deal with the increasing range of legislation has been reduced.

It has to be recognised by central government departments, including the DCLG, that although important to wider society the enforcement of the legislation around the energy performance of buildings is not currently a priority for local regulatory services. Local priorities for LATSS now tend to be concentrated in respect of important issues to our residents in protecting the more vulnerable members of society through the work around doorstep crime and promoting public health through our work around product safety and age restricted sales.

It is understood that officials from the DCLG did previously seek an opinion from officials and an elected member at the Local Government Association. The response provided that the proposed amendment was not one that should be assigned to local authority enforcement services but should be re-assigned to another body or organisation. That advice, with the subsequent unannounced laying before Parliament of the SI on 15 September 2015, would appear to have been ignored. The Joint Committee understands that the LGA may well be raising this development with the DCLG.

The Joint Committee believes that the content and intent of the statutory instrument should be considered as matter of some urgency by Parliament and that DCLG should be requested to reconsider its latest strategy with respect of EPC's for public buildings in line with the advice previously offered by the LGA.

**RESOLVED -** That a letter be circulated to all Tyne and Wear MPs seeking their support for the Committee's views and asking them to raise its concerns at the appropriate opportunities.

**TW/23/15.**

## **CRIME PREVENTION EVENTS AND SCAMS AWARENESS**

The Committee received an update on the current education events taking place in the region in conjunction with Northumbria Police and Barclays Bank.

Trading Standards are working with Northumbria Police's Crime Prevention Team and visiting local Barclay's branches to offer tips about staying safe online.

Barclays staff are also advised 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.

**RESOLVED - That the information be noted.**

**TW/24/15.**

## **UPDATE ON THE CONSUMER RIGHTS ACT 2015**

The Committee was advised of changes in the legislative framework surrounding contractual issues which are changing on 1 October 2015 when the Consumer Rights Act comes into force.

The Act 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;
- what happens when a business is acting in a way which isn't competitive;
- written notice for routine inspection by public enforcers, such as Trading Standards; 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.

Alternative Dispute Resolution will be available to all businesses to help when a dispute with a consumer cannot be settled directly.

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.
- In a place which it is likely to be seen.

- On their website, if they have one.

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.

RESOLVED - That the be noted.

**TW/25/15.**

**DATE AND TIME OF NEXT MEETING**

Thursday 26 November 2015 at 10.00 am



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

**26 November 2015**

### Review of the Audit in relation to 2014-15 Accounts

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**Darren Collins, Strategic Director, Corporate Resources, Gateshead Council**

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#### Purpose of Report

1. To report the findings from 2014-15 Audit of the Accounts.

#### Background

2. In relation to 2014/15 Accounts, BDO LLP approved the Annual Return without any major issue (Appendix 1).
3. There was one minor issue raised (Appendix 2), which was corrected during the Audit process. A corrected Annual Return was signed by the Head of Corporate Finance and sent back to BDO (Appendix 3). However, BDO informed us that, as the corrected Annual Return had not been approved by the Committee, they could not accept it so had to highlight it within the Issues Arising Report.

No follow up action is required as the issue was corrected during the audit process.

#### Proposal

4. It is proposed that the Joint Committee consider the opinion issued by BDO LLP, in relation to the Audit of the 2014-15 Accounts (Appendix 1) and also review the Issues Arising Report (Appendix 2) and the corrected Annual Return (Appendix 3).

#### Recommendation

5. The Joint Committee is recommended to -
  - Accept the findings of the 2014-15 Audit of the Trading Standards Joint Committee.

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# Small Bodies in England

## Annual return for the financial year ended 31 March 2015

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Small relevant bodies in England with an annual turnover of £6.5 million or less must complete an annual return in accordance with proper practices summarising their annual activities at the end of each financial year.

The annual return on pages 2 to 5 is made up of four sections:

- Sections 1 and 2 are completed by the person nominated by the body.
- Section 3 is completed by the external auditor appointed by the Audit Commission.
- Section 4 is completed by the body's internal audit provider.

Each body must approve this annual return no later than 30 June 2015.

### Completing your annual return

Guidance notes, including a completion checklist, are provided on page 6 and at relevant points in the annual return.

Complete all sections highlighted in red. Do not leave any red box blank. Incomplete or incorrect returns require additional external audit work and may incur additional costs.

Send the annual return, together with your bank reconciliation as at 31 March 2015, an explanation of any significant year on year variances in the accounting statements and any additional information requested, to your external auditor by the due date.

Your external auditor will identify and ask for any additional documents needed for their work. Therefore, unless requested, do not send any original financial records to the external auditor.

Once the auditor has completed their work, certified annual returns will be returned to the body for publication or public display of sections 1, 2 and 3. You must publish or display the annual return, including the external auditor's report, by 30 September 2015.

It should not be necessary for you to contact the external auditor for guidance.

More guidance on completing this annual return is available in the Practitioners' Guides for either local councils or internal drainage boards. These publications may be downloaded from the National Association of Local Councils (NALC) or Society of Local Council Clerks (SLCC) websites ([www.nalc.gov.uk](http://www.nalc.gov.uk) or [www.slcc.co.uk](http://www.slcc.co.uk)) or from the members area of the Association of Drainage Authorities website ([www.ada.org.uk](http://www.ada.org.uk)).

## Section 1 – Accounting statements 2014/15 for:

Enter name of reporting body here:

TYNE + WEAR TRADING STANDARDS JOINT COMMITTEE

	Year ending		Notes and guidance
	31 March 2014 £	31 March 2015 £	
1 Balances brought forward	44,414	78,599	Total balances and reserves at the beginning of the year as recorded in the body's financial records. Value must agree to Box 7 of previous year.
2 (+) Income from local taxation and/or levy	218,869	218,869	Total amount of local tax and/or levy received or receivable in the year including funding from a sponsoring body.
3 (+) Total other receipts	79,571	111,649	Total income or receipts as recorded in the cashbook less the taxation and/or levy (line 2). Include any grants received here.
4 (-) Staff costs	166,430	189,986	Total expenditure or payments made to and on behalf of all employees. Include salaries and wages, PAYE and NI (employees and employers), pension contributions and employment expenses.
5 (-) Loan interest/capital repayments	4,759	/	Total expenditure or payments of capital and interest made during the year on the body's borrowings (if any).
6 (-) All other payments	93,066	129,830	Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).
7 (=) Balances carried forward	78,599	89,301	Total balances and reserves at the end of the year. Must equal (1+2+3) – (4+5+6)
8 Total cash and short term investments	82,461	119,675	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – <b>to agree with bank reconciliation</b> .
9 Total fixed assets plus other long term investments and assets	38,983	38,983	The original Asset and Investment Register value of all fixed assets, plus other long term assets owned by the body as at 31 March
10 Total borrowings	/	/	The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).

I certify that for the year ended 31 March 2015 the accounting statements in this annual return present fairly the financial position of the body and its income and expenditure, or properly present receipts and payments, as the case may be.

Signed by Responsible Financial Officer:

Date 30/06/2015

I confirm that these accounting statements were approved by the body on:

25/06/2015

and recorded as minute reference:

TW/106/15

Signed by Chair of meeting approving these accounting statements:

RECORDED

Date 25/06/2015

## Section 2 – Annual governance statement 2014/15

We acknowledge as the members of **TYNE & WEAR TRADING STANDARDS JOINT COMMITTEE** our responsibility for ensuring that there is a sound system of internal control, including the preparation of the accounting statements. We confirm, to the best of our knowledge and belief, with respect to the accounting statements for the year ended 31 March 2015, that:

	Agreed –		'Yes' means that the body:
	Yes	No*	
1 We approved the accounting statements prepared in accordance with the requirements of the Accounts and Audit Regulations and proper practices.	✓		prepared its accounting statements in the way prescribed by law.
2 We maintained an adequate system of internal control, including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✓		made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.
3 We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and proper practices that could have a significant financial effect on the ability of the body to conduct its business or on its finances.	✓		has only done what it has the legal power to do and has complied with proper practices in doing so.
4 We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.	✓		during the year has given all persons interested the opportunity to inspect and ask questions about the body's accounts.
5 We carried out an assessment of the risks facing the body and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓		considered the financial and other risks it faces and has dealt with them properly.
6 We maintained throughout the year an adequate and effective system of internal audit of the body's accounting records and control systems.	✓		arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of the body.
7 We took appropriate action on all matters raised in reports from internal and external audit.	✓		responded to matters brought to its attention by internal and external audit.
8 We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on the body and where appropriate have included them in the accounting statements.	✓		disclosed everything it should have about its business activity during the year including events taking place after the year-end if relevant.

This annual governance statement is approved by the body and recorded as minute reference

*TW/06/15*

dated *25/06/2015*

Signed by:

Chair

*R. J. BURKE*

*SIGNATURE REQUIRED*

dated *25/06/2015*

Signed by:

Clerk

*M. MASON*

*RECORDED*

dated *25/06/2015*

\*Note: Please provide explanations to the external auditor on a separate sheet for each 'No' response. Describe how the council will address the weaknesses identified.

## Section 3 – External auditor certificate and report 2014/15 Certificate

We certify that we have completed our review of the annual return, and discharged our responsibilities under the Audit Commission Act 1998 as transitionally saved, for the year ended 31 March 2015 in respect of:

**TYNE + WEAR TRADING STANDARDS JOINT COMMITTEE**

### Respective responsibilities of the body and the auditor

The body is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The body prepares an annual return in accordance with proper practices which:

- summarises the accounting records for the year ended 31 March 2015; and
- confirms and provides assurance on those matters that are important to our audit responsibilities.

Our responsibility is to review the annual return in accordance with guidance issued by the Audit Commission (see note below). Our work does not constitute an audit carried out in accordance with International Standards on Auditing (UK & Ireland) and does not provide the same level of assurance that such an audit would do.

### External auditor report

(Except for the matters reported below)\* on the basis of our review of the annual return, in our opinion the information in the annual return is in accordance with proper practices and no matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met. (\*delete as appropriate).

(continue on a separate sheet if required)

Other matters not affecting our opinion which we draw to the attention of the body:

Please see enclosed report

BDO LLP Southampton  
United Kingdom

(continue on a separate sheet if required)

External auditor signature

External auditor name

**BDO LLP Southampton  
United Kingdom**

Date

15/9/15

BDO LLP is a limited liability partnership registered in England and Wales (with registered number OC305127).

Note: The Audit Commission issued guidance in its Standing Guidance, which is applicable to external auditors' work on 2014/15 accounts.

## Section 4 – Annual internal audit report 2014/15 to

### TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE

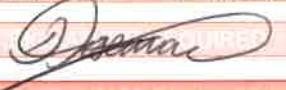
The body's internal audit, acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with relevant procedures and controls expected to be in operation during the financial year ended 31 March 2015.

Internal audit has been carried out in accordance with the body's needs and planned coverage. On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of the body.

Internal control objective	Agreed? Please choose one of the following		
	Yes	No*	Not covered**
A Appropriate accounting records have been kept properly throughout the year.	✓		
B The body's financial regulations have been met, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for.	✓		
C The body assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.	✓		
D The annual taxation or levy or funding requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.	✓		
E Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.	✓		
F Petty cash payments were properly supported by receipts, all expenditure was approved and VAT appropriately accounted for.	✓		
G Salaries to employees and allowances to members were paid in accordance with body approvals, and PAYE and NI requirements were properly applied.	✓		
H Asset and investments registers were complete and accurate and properly maintained.	✓		
I Periodic and year-end bank account reconciliations were properly carried out.	✓		
J Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, were supported by an adequate audit trail from underlying records, and, where appropriate, debtors and creditors were properly recorded.	✓		

For any other risk areas identified by the body (list any other risk areas below or on separate sheets if needed) adequate controls existed:

Name of person who carried out the internal audit: DAVID WISEMAN

Signature of person who carried out the internal audit:  Date: 11.6.2015

\*Note: If the response is 'no' please state the implications and action being taken to address any weakness in control identified (add separate sheets if needed).

\*\*Note: If the response is 'not covered' please state when the most recent internal audit work was done in this area and when it is next planned, or, if coverage is not required, internal audit must explain why not (add separate sheets if needed).

## Guidance notes on completing the 2014/15 annual return

- 1 You must apply proper practices for preparing this annual return. Proper practices are found in the Practitioners' Guides\* which are updated from time to time and contain everything you should need to prepare successfully for your financial year-end and the subsequent audit. Both NALC and SLCC have helplines if you want to talk through any problem you may encounter.
- 2 Make sure that your annual return is complete (i.e. no empty red boxes), and is properly signed and dated. Avoid making any amendments to the completed return. But, if this is unavoidable, make sure the amendments are drawn to the attention of and approved by the body, properly initialled and an explanation is provided to the external auditor. Annual returns containing unapproved or unexplained amendments will be returned unaudited and may incur additional costs.
- 3 Use the checklist provided below. Use a second pair of eyes, perhaps a member or the Chair, to review your annual return for completeness before sending it to the external auditor.
- 4 Do not send the external auditor any information not specifically asked for. Doing so is not helpful. However, you must notify the external auditor of any change of Clerk, Responsible Financial Officer or Chair.
- 5 Make sure that the copy of the bank reconciliation which you send to your external auditor with the annual return covers all your bank accounts. If your body holds any short-term investments, note their value on the bank reconciliation. The external auditor must be able to agree your bank reconciliation to Box 8 on the Accounting statements. You must provide an explanation for any difference between Box 7 and Box 8. More help on bank reconciliation is available in the Practitioners' Guides\*.
- 6 Explain fully significant variances in the accounting statements on page 2. Do not just send in a copy of your detailed accounting records instead of this explanation. The external auditor wants to know that you understand the reasons for all variances. Include a complete analysis to support your explanation. There are a number of examples provided in the Practitioners' Guides\* to assist you.
- 7 If the external auditor has to review unsolicited information, or receives an incomplete bank reconciliation, or you do not fully explain variances, this may incur additional costs for which the auditor will make a charge.
- 8 Make sure that your accounting statements add up and the balance carried forward from the previous year (Box 7 of 2014) equals the balance brought forward in the current year (Box 1 of 2015).
- 9 Do not complete section 3. The external auditor will complete it at the conclusion of the audit.

Completion checklist – 'No' answers mean you may not have met requirements		Done?
All sections	All red boxes have been completed?  All information requested by the external auditor has been sent with this annual return? Please refer to your notice of audit.	
Section 1	Approval by the body confirmed by signature of Chair of meeting approving the accounting statements?  An explanation of significant variations from last year to this year is provided?  Bank reconciliation as at 31 March 2015 agreed to Box 8?  An explanation of any difference between Box 7 and Box 8 is provided?	
Section 2	For any statement to which the response is 'no', an explanation is provided?	
Section 4	All red boxes completed by internal audit and explanations provided?	

\*Note: Governance and Accountability for Local Councils in England – A Practitioners' Guides, is available from NALC and SLCC representatives or Governance and Accountability for Internal Drainage Boards in England – A Practitioners' Guides, is available from the ADA at The Association of Drainage Authorities, 12 Cranes Drive, Surbiton, Surrey, KT5 8AL or from the NALC, SLCC or ADA websites - see page 1 for addresses.

**ISSUES ARISING REPORT FOR  
Tyne and Wear Trading Standards Joint  
Committee  
Audit for the year ended 31 March 2015**



The following issue(s) have been raised as there are minor errors on the annual return which we wish to draw to the attention of the body so they do not occur again in future years.

#### **Total Cash & Investments - Box 8**

##### *What is the issue?*

The council have disclosed the incorrect bank balance in box 8, this was due to an error occurring in the box 7 and 8 reconciliation.

The balance in box 8 should read £121,955. The box 8 balance is therefore incorrect by £2,280.

##### *Why has this issue been raised?*

This is a note for the reader of the accounts, and for the Council to ensure that these minor errors do not occur in the future.

##### *What do we recommend you do?*

The council must ensure in future years that the correct balance is disclosed in box 8.

Further guidance on this matter can be obtained from the following source(s):

Governance and Accountability in Local Councils in England - A Practitioners' Guide, NALC/SLCC

**No other matters came to our attention.**

For and on behalf of  
BDO LLP

Date: 15 September 2015

## Section 1 – Accounting statements 2014/15 for:

Enter name of reporting body here:

TYNE + WEAR TRADING STANDARDS JOINT COMMITTEE

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9 Total fixed assets plus other long term investments and assets	38,983	38,983	The original Asset and Investment Register value of all fixed assets, plus other long term assets owned by the body as at 31 March
10 Total borrowings			The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).

I certify that for the year ended 31 March 2015 the accounting statements in this annual return present fairly the financial position of the body and its income and expenditure, or properly present receipts and payments, as the case may be.

Signed by Responsible Financial Officer:

Date

12/8/15

I confirm that these accounting statements were approved by the body on:

and recorded as minute reference:

Signed by Chair of meeting approving these accounting statements:

Date

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

**26 November 2015**

### **Change in Audit Arrangements**

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**Darren Collins, Strategic Director, Corporate Resources, Gateshead Council**

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#### **Purpose of Report**

1. To inform the Committee of the changes in audit arrangements from the 2015-16 financial year onwards.

#### **Background**

2. Joint Committees had a statutory obligation to prepare accounts, which were then audited by a firm appointed by the Audit Commission. This was in-line with the Audit Commission Act 1998, which required the accounts of joint committees to be subject to independent audit.
3. This Act was repealed on 1<sup>st</sup> April 2015, from this date any expenditure overseen by a joint committee will only be subject to statutory audit as part of the main accounts of constituent audited bodies.
4. Joint Committees may voluntarily decide to continue to prepare accounts and arrange for their audit however, these arrangements will need to be made directly between a joint committee and their chosen auditor and cannot be accommodated under the terms of the Audit Commission's audit contracts.

#### **Proposal**

5. It is proposed that the accounts process remain the same, in that they are prepared by the Accountant in the same manner as prior to the 1<sup>st</sup> April 2015 cut off point. Once prepared, the accounts would be included within Gateshead's statutory external audit process.
6. The Joint Committee / Metrology Laboratory would also be risk assessed by Gateshead's Internal Audit Section. From this assessment, it would be placed within the Audit Plan and reviewed on a regular basis, in line with the risk assessment.

**Recommendation**

7. The Joint Committee is recommended to -

- Accept the proposal that the accounts' preparation process remains the same.
- Accept the proposal that the Joint Committee / Metrology Laboratory be risk assessed by Gateshead's Internal Audit Section and placed within the Audit plan.

Contact: Leanne Barrow – Ext. 3621

DF DF  
02 MAR 2015

26 February 2015

CFS ICT POC

Ms L Barrow  
Accountant - Group Finance  
Tyne and Wear Trading Standards Joint Committee  
Corporate Finance, Finance and ICT  
Gateshead Council, Civic Centre  
Regent Street  
Gateshead  
Tyne & Wear NE8 1HH

Direct line 0303 444 8270  
Email j-hayes@audit-commission.gsi.gov.uk

Reference SB08779

Dear Ms Barrow

### **Accounts and audit arrangements for joint committees from 2015/16 –Tyne and Wear Trading Standards Joint Committee**

I am writing to inform you that the appointment of BDO LLP to audit the accounts of Tyne and Wear Trading Standards Joint Committee will end with the completion of the audit of the 2014/15 accounts.

With effect from the financial year 2015/16 onwards, joint committees will no longer have a statutory obligation to prepare accounts which will be audited by a firm appointed by the Audit Commission. The Audit Commission Act 1998, which currently requires the accounts of joint committees to be subject to audit, will be repealed with effect from 1 April 2015. The Local Audit and Accountability Act 2014, introducing new local public audit arrangements, does not apply to joint committees.

**However, joint committees must still prepare accounts for the financial year 2014/15, and submit these accounts for audit by the auditor appointed by the Audit Commission.** For smaller bodies, the accounts are produced in the form of the annual return.

The Department for Communities and Local Government has confirmed to the Audit Commission its intention that the change in requirements will apply from 1 April 2015, for the financial year 2015/16 onwards.

Auditor appointments made by the Audit Commission to joint committees will therefore cease with effect from the financial year 2015/16. From 1 April 2015, any expenditure overseen by a joint committee will only be subject to statutory audit as part of the main accounts of constituent audited bodies.

Joint committees may voluntarily decide to continue to prepare accounts and arrange for their audit. Any voluntary audit arrangements of this kind would need to be made directly between a

Audit Commission, 1st Floor, Fry Building, 2 Marsham Street, London, SW1P 4DF  
T 0303 444 8300 [www.audit-commission.gov.uk](http://www.audit-commission.gov.uk)

joint committee and their chosen auditor, and cannot be accommodated under the terms of the Commission's audit contracts.

We hope you find this information helpful. If you have any comments or questions, please contact us by email at [auditor-appointments@audit-commission.gsi.gov.uk](mailto:auditor-appointments@audit-commission.gsi.gov.uk) or by post at the address below.

Yours sincerely



Jon Hayes  
Associate Controller of Audit (Compliance)

**26 November 2015**

**Report and Statistical Return for the Quarter  
Ending September 2015**

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

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**Purpose of the report**

To inform the Committee of the work of the Joint Metrology Laboratory for the quarter ending September 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. Attendance has been confirmed from 6 candidates.
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 parcel company to comply with their accreditation.
7. Advice was given to a snack food packer in relation to them using an unsuitable weighing instrument to make up their packages. This instrument had been sold to them by a competitor for a large sum of money.

## **EC Verifications**

8. 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**

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

## **Toy Safety**

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

## **Electrical Safety**

11. 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**

12. Numerous samples of cigarettes were submitted to the laboratory for reduced ignition propensity and were found to be non-compliant with legislation.
13. 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**

14. The statistical return for the period July to September 2015 is contained within Appendix 1.

## **Recommendation**

15. The Committee is asked to note the information.

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

<b>Activity</b>	<b>Number</b>	<b>Income</b>
S.74 (4) (b) verifications	103 weights/measures	£ 3 460.19
UKAS Accredited calibrations	964 weights	£ 19 347.16
Toy / Electrical tests	0 items	£ 0.00
Weighbridge	332 Weighings	£ 1 507.08
Hire of weights	3 occasions	£ 298.65
PAT testing	Numerous occasions	£ 1 006.85
Additional Income	Transport, postage, EC ver. Sales etc	£ 817.82
RIP testing	38 tests	£7 800.00
<b>Income (excl. VAT)</b>		<b>£34 237.75</b>
<b>V.A.T</b>		<b>£ 6 855.00</b>
<b>Total Income (inc VAT)</b>		<b>£ 41 092.75</b>

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26 November 2015

### Trading Standards and The Care Act 2014

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

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#### Purpose of the report

To inform the Committee of the contribution that the Trading Standards Services makes to safeguarding older and vulnerable people across Tyne and Wear.

#### Information and Analysis

1. The Care Act 2014 has consolidated existing care legislation and set out the local authority's responsibility for both older people and people who care for them. It sought to improve communication between all agencies that have a role to play in terms of safeguarding older and vulnerable people who may be at risk of harm – whether through deliberate act or by neglect. The definition of Adult Safeguarding is given as, 'working with adults with care and support needs to keep them safe from abuse or neglect'. Safeguarding is aimed at people with care and support needs who may be in vulnerable circumstances and at risk of abuse or neglect. Local services are required to work together to spot those at risk and take steps to protect them.
2. Trading Standards already works with partner agencies such as Adult Social Care, Community Safety, Public Health and the Police to protect older residents, but this Act also requires the services to evidence that they have acted on intelligence about Safeguarding issues; that they are making appropriate referrals and have processes, procedures and records to evidence that steps have been taken to protect those people at risk from abuse or neglect.
3. All trading standards services have sought to prioritise support for older and vulnerable people living in Tyne and Wear in a number of different ways.

#### Registered Trader Schemes

4. Some authorities have registered or trusted trader schemes that were initially set up in conjunction with community safety that provide an alternative to local residents, particularly older and vulnerable people, to the unsolicited call from itinerant traders offering home and garden maintenance-type services.

#### Doorstep Crime

5. 'Doorstep Crime' is the name given to fraudulent transactions that are perpetrated in people's own homes, often – but not always – by itinerant traders that arrive unsolicited 'on the doorstep' offering to sell a variety of goods or

services that might be particularly appealing to older residents. The initial approach might be an unsolicited call to the property or following an unsolicited telephone call. Whilst direct selling is perfectly legal, there are a minority of rogues who will seek to take advantage of vulnerable householders by selling goods (tarmac/block drive ways, mobility aids, double glazing, etc.) or services (garden maintenance, energy assessments) at inflated prices and following pressurised selling techniques.

6. Some of the doorstep incidents that authorities have dealt with include serious overcharging for roofing work and extortionate amounts charged for small garden work.
7. A key part of the Trading Standards response to doorstep crime is to raise awareness amongst older householders and their friends, neighbours, relatives and carers about the potential harm. Alert messages were issued as well as press releases to warn consumers about scams and rogue traders.

### **Scams**

8. Raising awareness about the potential harm from 'scams' has formed part of trading standards activities for many years. Older residents in particular are targeted by scammers via telephone, mail and internet communication. Whilst most people recognise these communications for what they are, a significant minority are misled into parting with thousands of pounds. The scams come in a variety of guises. Some claim to be investment opportunities or lottery winnings, others offer goods or services. Relatively small sums of money are requested, but once successfully targeted the scammers will relentlessly pursue their victims some of whom become addicted.
9. The Care Act 2014 makes it clear that all those agencies that have a role in protecting older and vulnerable people from harm should have effective engagement mechanisms. The Trading Standards Services have regular engagement with Police and Community Safety colleagues and some attend the Safer Communities Portfolios. We should consider regular liaison with Adult Care regarding the Registered Trader Schemes and training has been provided for Adult Care managers about the role that trading standards staff play in supporting and seeking to prevent older people from becoming victims of scams. Discussions are also on-going with Public Health colleagues over areas of mutual interest such as supporting food-banks and protecting local people from loan-sharks

### **Recommendation**

10. The Committee is asked to note the information.

Contact: Tracey Johnson, Gateshead Council on 0191 4333934 or e.mail  
[traceyjohnson@gateshead.gov.uk](mailto:traceyjohnson@gateshead.gov.uk)

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

26 November 2015

### Report on Activity around Fireworks in 2015

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

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#### Purpose of the report

1. To inform the Committee of the activities of the Trading Standards Services of the five constituent local authorities of Tyne and Wear related to fireworks in the period preceding the 5 November 2015.

#### Enforcement provisions around fireworks

2. As Councillors will be well aware the legislative provisions made in respect of fireworks are quite complex and involve in their enforcement a wide range of enforcement partners across Tyne and Wear and indeed nationally.
3. The enforcement partners involved with the various legislative provisions related to fireworks include Northumbria Police, Tyne and Wear Fire and Rescue Service and Environmental Health services. Due to the already well organised structure in which all the relevant enforcement partners operate in Tyne and Wear, it is relatively easy for the partner enforcement organisations to work closely together around the enforcement of the legislation related to fireworks.
4. The key involvement of other enforcement partners with the various legislative provisions related to fireworks such as Northumbria Police and Tyne and Wear Fire Rescue Service; can be gauged by the key safety messages promoted on the respective websites of these two organisations at [www.northumbria.police.uk](http://www.northumbria.police.uk) and [www.twfire.gov.uk](http://www.twfire.gov.uk)
5. The main areas of joint working involve the enforcement by the various agencies of the following legislation:
  - **The Pyrotechnic Articles (Safety) Regulations 2015:** Sets out the various safety provisions around the categories of fireworks and the obligations placed on manufacturers, importers and distributors. The Regulations also details the prohibition related to the supply of fireworks to those under the age of 18.
  - **The Explosives Regulations 2014:** Makes it a requirement that anyone wishing to keep fireworks shall register their name with the Tyne and Wear Fire and Rescue Service. The annual registration is on payment of a statutory fee. Officers visit premises seeking registration to ensure full compliance with the strict requirements around storage of fireworks.

- **The Fireworks Regulations 2004:** Various provisions of the Fireworks Regulations are enforced by Trading Standards Officers, Police Officers and Environmental Health Officers:
  - i) Police Officers: Enforce the provisions that prohibit any person under 18 possessing an adult firework (excluding ‘throw-downs’) in a public place
  - ii) Environmental Health Officers: Enforce the provisions that prohibit the use of fireworks during a period beginning at 11pm and ending at 7am the following day, subject to certain exemptions related to “permitted fireworks nights” including the 5 November and Chinese New Year
  - iii) Trading Standards Officers: Enforce the provisions that relate to the display of statutory notices, when retailers supply fireworks.

### **Enforcement Activities:**

6. Across Tyne and Wear the Trading Standards Services have worked closely in partnership with Northumbria Police and the Tyne and Wear Fire and Rescue Service. Joint visits have been conducted to known retailers of fireworks.
7. Business owners have been reminded of their obligations in respect of the law relating to the sale of fireworks and guidance materials have been issued to support businesses. Materials provided include written guidance that retailers can follow to prevent underage sales from occurring, refusals registers and training records that can be used when delivering training to staff.
8. Officers have also examined stocks of fireworks in retail premises to ensure compliance with relevant standards. At present fireworks must be marked with either the ‘CE’ Mark or the British Standard 7114.
9. Newcastle Trading Standards have received one allegation of an unsafe firework which is presently under investigation.
10. A number of authorities have been involved in wider “Darker Nights” campaigns normally arranged through local Crime and Disorder Reduction Partnerships. This multi-agency approach aims to reduce disorder and anti-social behaviour as the nights turn darker and particularly in the run up to bonfire night.

### **Test Purchasing Summary:**

11. As Councillors will be well aware Trading Standards Services continue to carry out a range of test purchasing exercises with the assistance of child volunteers. These involve checks mainly for alcohol and cigarettes but obviously leading up to the 5 November, officers do endeavour to carry out test purchasing exercises for fireworks. In line with the Better Regulation Delivery Office Code of Practice on Test Purchasing, all test purchases are conducted using an intelligence led approach.

12. Allegations of sales of fireworks to those under 18 has decreased significantly over recent years which may be due to fewer premises retailing fireworks but also as a result of the significant amount of advisory and educational work carried out by the Trading Standards Services over a number of years. As a consequence the number of test purchases has reduced, however it is pleasing to note that of the 10 attempts made no sales were noted.

## **Conclusions**

- a) It is apparent that the numbers of premises registering with the Tyne and Wear Fire and Rescue service to sell fireworks continues to fall away year on year.
- b) It is really encouraging that retailers across Tyne and Wear are abiding by the restrictions around selling fireworks to those under 18 with a failure rate on the test purchasing exercises conducted this year of Zero.
- c) Notwithstanding this very positive and encouraging outcome officers will ensure that in conducting future operations in 2016 and beyond, the work that we conduct with the support of Councillors, continues and both ourselves and retailers do not become complacent in respect of the overall safety and abuse associated with fireworks.
- d) Officers also would reinforce the message that individuals who set themselves up on our residential estates to sell a range of illegal products, including fireworks, alcohol and cigarettes and often to those underage; should not to be tolerated by their neighbours and as a result their activities should be reported to the enforcement authorities, so that action can be taken against them to stop their activities.

## **Recommendation**

13. The Committee is asked to note the content of the report.

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**26 November 2015**

## **Update on the Safety of Children's Halloween Costumes**

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

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### **Purpose of the report**

To update the Committee on the latest developments with the important issue of product safety related to children's Halloween costumes.

### **The Safety Issue**

1. Councillors will remember the events of the 31 October 2014 when the eight-year-old daughter of TV personality Ms Claudia Winkleman was rushed to hospital after her Halloween costume caught alight.
2. The Strictly Come Dancing presenter issued a statement on behalf of her family, reminding the public about the perils of "candles, open fires and fireworks" ahead of Guy Fawkes Night in 2014.

### **The Legislation – Toys (Safety) Regulations 2011**

3. The Toys (Safety) Regulations 2011 ("the Regulations") impose requirements in relation to the safety of toys. The relevant EU Directive sets harmonised safety requirements for toys and minimum requirements for market surveillance, in order to ensure a high level of safety of toys with a view to ensuring the health and safety of children whilst guaranteeing the functioning of the internal market.
4. The main provisions of the Regulations are as follows:-

Toys must:

- satisfy the 'essential safety requirements' in the regulations
- be properly marked to ensure traceability
- bear the CE mark
- be accompanied by instructions for use, and warnings where necessary

Technical documentation and a description of the conformity assessment method used for each toy must be available.

The relevant national standard that can be utilised to assist in compliance with the safety of toys is British Standard EN 71. The relevant part safety standard with respect to Halloween costumes is set out in part 2 of BS EN71:

#### *"4.4 Toys intended to be entered by a child in play*

*These include, for example, cowboy suits, nurses' outfits and long flowing capes not attached to headwear.*

*When tested in accordance with 5.4, the rate of spread of flame of the test sample shall not exceed 30 mm/s or the test sample shall self-extinguish.*

*If the rate of flame is between 10 mm/s and 30 mm/s, the appropriate parts of the toy and the packaging shall be permanently marked with the following warning:  
"Warning. Keep away from fire".*

### **Nightwear Safety Regulations 1985**

5. The Nightwear (Safety) Regulations 1985 make it an offence to supply children's nightwear unless it has been treated so that it conforms, after washing, to the flammability performance requirements of British Standard (BS) 5722. The Regulations lay down labelling requirements so that purchasers can tell whether other nightwear - including adults' - does or does not meet the flammability requirements.

### **Children's nightwear**

6. Children's nightwear means anything designed for wear by, and that would normally be worn by, a person under the age of 13 years, except:
  - night dresses with a chest measurement of more than 91cm or a length of more than 122cm
  - dressing gowns, bath robes and other similar garments with a chest measurement of more than 97cm or a sleeve measurement of more than 69cm
7. Children's nightwear must comply with the flammability performance requirements of BS 5722, except the following items:
  - garments for babies up to three months with a chest measurement of 53cm or less
  - pyjamas
  - cotton terry towelling bath robes

### **Other nightwear**

8. Other nightwear (including adult nightwear), babies' garments, children's pyjamas and children's cotton terry towelling bath robes must be labelled so as to inform the purchaser whether the item does or does not meet the flammability requirements of BS 5722.
9. If the item does not meet the requirements, it must have a label, printed in red, stating 'KEEP AWAY FROM FIRE'. If the item meets the requirements, it must have a label with one of the following:
  - a statement in red text stating 'KEEP AWAY FROM FIRE'
  - a statement in black text stating 'LOW FLAMMABILITY TO BS 5722'
  - both statements in appropriate colours

## BBC Watchdog

10. On the 14 May 2015 the BBC aired a “Watchdog” programme highlighting the tragedy that befell Claudia Winkleman and her daughter. Ms Winkleman spoke for the first time about the tragic incident in 2014 where her daughter's fancy-dress costume went up in flames, leaving her badly burnt. In the “Watchdog” programme they investigated what makes fires of this kind so devastating and then called for the rules on safety testing to be changed.

## Response From the Chief Fire Officers Association

11. On the 14 May 2015, in a press release, the Chief Fire Officer's 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.

12. Currently, children's fancy dress costumes are classified as toys, rather than clothes, and are not covered by the same safety regulations. There is no requirement for them to be fire proofed or fire retardant. Rather than introduce new legislation, the CFOA called for this classification to be changed, so fancy dress costumes are subject to the same safety standards as children's nightclothes.

13. Former CFOA President, Paul Fuller, Chief Fire Officer at Bedfordshire Fire and Rescue service and a Trustee of the Children's Burns Trust said:

- *“The safety standard for children’s fancy dress can be as little as a ‘keep away from fire’ label. This is not good enough and is putting children’s lives at risk.*
- *Fire safety for toys is based on the ability of children to drop a burning teddy bear or doll or to run away from a burning play tent or wigwam. You can’t drop a burning costume or run away from it.*
- *People do not realise just how quickly a princess costume will catch fire and the fire spread. The design of costumes, with flowing robes, capes or petticoats means they could easily catch fire from a candle or flame and swiftly engulf a child in flames.*
- *Burn injuries are difficult to treat and once a child’s skin has been burned it does not regain its flexibility and grow as the child does. This means a young burns survivor may have to endure years of painful surgery as they grow and develop”.*

## Response from the Department of Business, Innovation & Skills

14. The Department of Business, Innovation & Skills (BIS) has through its membership of the EU Administrative Co-operation committee on toys requested data on similar incidents involving the safety of Halloween costumes within the EU.

15. BIS together with the CFOA, the British Toy and Hobby Association (BTHA), the Royal Society for the Prevention of Accidents (RoSPA) and National Trading Standards came together to endorse a Halloween safety poster campaign featuring the “Scary But Safe” strapline.

16. The Business Minister Anna Soubry commissioned a sampling programme on the safety of Halloween costumes in October 2015 and which is being co-ordinated on behalf of BIS by Newcastle City Council. Some 350 halloween costumes are being bought and then tested for compliance with British Standard EN71 on the flammability of toys.
17. On the 24 September 2015 BIS published a press release on the 24 September 2015, in which the Business Secretary Sajid Javid said:

*"My immediate concern as a father and a minister is that children wearing these fancy dress costumes are safe. It is unacceptable for any costumes to be sold that do not comply with safety standards. That's why I've granted funding to Trading Standards to carry out spot checks as part of a nationwide investigation. Parents should feel confident that any fancy dress they buy meets required standards."*

#### **Response from the British Standards Institute**

18. The British Standards Institute has called another joint meeting on the safety of toys and textiles to discuss all the issues. This meeting will take place in London on the 11 December 2015.

#### **Recommendations**

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

**26 November 2015**

## **Update on the Report of the Working Group On Consumer and Competition Policy For Scotland**

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

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### **Purpose of the report**

### **The Background**

1. The Smith Commission in Scotland recommended that consumer advice and advocacy powers be devolved to the Scottish Parliament, as well as the ability for Scottish Ministers to act with the Secretary of State to request the Competition Markets Authority to carry out a second stage market investigation.
2. Scottish Minister's had previously established a short term Working Group with a specific remit of providing recommendations on how these powers could be put to best effect and what improvements could be made to the consumer protection and competition landscape in Scotland.
3. The Working Group structured its discussions around the four pillars of consumer protection – advocacy, advice (including education and information), enforcement and redress - and competition. The report sets out recommendations to the Scottish Government.

### **Consumer Scotland**

4. The primary recommendation made by the Working Group is that the Scottish Government should create a statutory, unified consumer body - Consumer Scotland and develop a consumer policy that empowers as well as protects consumers. Scottish Government should determine what new legislation and powers will be required for Consumer Scotland to gather and share robust information across the four pillars from a range of sources, set out clear lines of accountability to the Scottish Parliament and consider creating a dedicated Consumer Minister.
5. Consumer Scotland will need governance and oversight arrangements that demonstrate its independence. At its heart should be a synoptic approach to consumer and competition policy allowing cross-cutting policy engagement, ensuring that the voice of the consumer is heard at local, national (Scotland and UK) and European levels. Consumer Scotland should develop a coherent consumer strategy that empowers and informs as well as protects consumers and simplifies the landscape to make it easy for consumers of all demographics to access help when they need it.

6. Consumer Scotland will also require the rights to be consulted by economic regulators; rights to refer failing markets to regulators, rights of appeal against high impact regulatory decisions, powers to initiate super-complaints and resources to sponsor and support collective actions for competition law redress.
7. Consumer Scotland should work with businesses to help build effective and fairer relationships with their customers and develop effective interfaces with existing competition regimes throughout the UK all to ensure a fairer deal for Scottish consumers, making sure their voices are heard across regulated and unregulated markets.

### **Recommendations – Trading Standards**

- To strengthen protection for consumers there is agreement that more collaborative working at both national and local level is needed.
- A range of policy and resourcing issues need to be taken into account when determining the optimum number of trading standard teams that would be ideal.
- There needs to be an agreed vision of Trading Standards
- Consumer Scotland should be responsible for setting national priorities and agreeing an annual operating plan.
- Trading Standards already target resources to the highest risk areas, but the development of service standards by Consumer Scotland could improve the effectiveness of this approach and allow it to be codified, if necessary.
- Recognition also needs to be given to market surveillance duties given to local authorities and delivered through their Trading Standards service. Consumer Scotland should develop a strategic approach and will need appropriate levers to facilitate change.
- Funding of Consumer Scotland must ensure it can deliver its objectives and should include enough flexibility to accommodate additional activities in the future.
- Individual Trading Standards services need to be accountable nationally but arrangements to secure accountability for local priorities would need to be put in place. Consumer Scotland's operating plan must strike a balance between national and local priorities. Trading Standards should report to Consumer Scotland on the delivery of their plan.
- Consumer Scotland requires suitable powers to deal with a situation where a local delivery is not performing in a satisfactory manner.
- The creation of the Crime Campus, which brings together representatives of various intelligence gathering agencies, has improved co-ordination at both a strategic and an operational level and could be further developed.
- Community Planning Partnerships could offer scope for Trading Standards services to link to other service providers.
- Consumer Scotland could use its position to tackle specific issues that are currently not addressed centrally. For example, it could ensure that Trading Standards service have adequate IT systems and officer competency in place to undertake ecommerce investigations.
- It could also develop a Trading Standards workforce strategy which would tackle the issue of succession planning in what is an ageing profession while offering more training opportunities and career development by moving between the four pillars.

- A national data strategy will be required to ensure IT systems can speak to each other and sets of codes are compatible. Systems also need to be robust so that crime agencies have enough confidence in Consumer Scotland to share data with it.
- The current national teams (illegal money lending and Scambusters) based in Trading Standards Scotland (TSS) within COSLA should be located in one Trading Standards local delivery structure whilst still ensuring that there is a specialist resource able to work across the whole of the country tackling the more serious and cross border criminality.
- The elements of TSS which looks at strategic intelligence and national priorities should be placed in Consumer Scotland. Consumer Scotland should, with input from other stakeholders, ensure the strategic tasking of Trading Standards service, but operational tasking and investigative work should be left to the local management.
- Community based hubs could provide a simplified approach to delivering advice (including education and information) and other consumer services. There is no practical requirement for Trading Standards service to be co-located with them, but there is a need for good lines of communication between all four pillars, which can be facilitated by Consumer Scotland.

### **Response from Scottish Government to the Report**

8. Deputy First Minister, John Swinney welcomed the report.

He said “*new powers will allow us to create a more integrated consumer protection region that gets Scottish consumers a fairer deal, taking into account the extra challenges or costs that rural and island areas can face in accessing goods or services. I am clear that any new consumer body must be high quality, efficient and accessible, so I welcome this comprehensive report that considers how to implement a new and innovative approach. We will study the report carefully and provide the Scottish Government’s full response in the New Year*”

### **Recommendation**

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

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26 November 2015

### Update on The Work of the Product Safety Focus Group

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

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#### Purpose of the report

To update the Committee on the latest safety developments with the important co-ordinating role of the national Product Safety Focus Group as hosted by the Department for Business, Innovation & Skills (BIS).

#### Product Safety Focus Group

1. The purpose of the Product Safety Focus Group is to act as forum in which local authority Trading Standards teams, regional groups, central government and other stakeholders work together to discuss and resolve key issues concerning the safety of consumer goods, and coordinate approaches to these products.

#### Remit of the Group

2. The Group will:

- Discuss and exchange ideas on matters of product safety
- Develop best practice guidance;
- Raise and discuss regional issues; the group will then aim to confirm a common approach and feed this back to the regions/ nations;
- Promote local authority product safety work;
- Consider consultation papers, guidance documents and matters of national interest;
- Facilitate, promote, co-ordinate and implement best practice by encouraging effective, consistent enforcement standards;
- Coordinate its work with regional groups, BIS, HSE and any other appropriate agencies and organisations associated with product safety matters;
- Identify and consider possible sources of funding for councils from Government Departments; EU and others.
- Identify resource implications of new burdens & report concerns
- Highlight key areas of concern for the attention of stakeholders, and agree how this information should be disseminated.
- To assist development and coordination of a national market surveillance plan.
- Consider nationwide (UK) safety projects.

## **Membership**

3. Group Members will be sought from all of the English regions and Wales, with a standing invitation to representatives from Scotland and Northern Ireland. TSI product safety lead officer and the Single Market Product Safety Team from within BIS should also have permanent representation on the Group. In addition the Group may invite other people to participate or attend meetings as they feel appropriate.
4. Each region should put forward a representative. These members will be responsible for representing their region and for disseminating information to that region. In addition, Lead Officers responsible for taking the lead in relation to specific subject areas and providing updates. The Lead Officer will be the first point of contact for queries or consultations concerning that subject area.

## **Business Service Plan 2015-2016**

5. The PSFG has developed a Business Service Plan which is updated on a regular basis as new consumer products are developed and placed on the market. This comprehensive document risk rates the delivery of the various streams within the work programme.
6. From an analysis of this document the following consumer product areas have been identified as of concern nationally and indeed can be classed as very much trending at the moment:

<b>Product</b>	<b>Issue</b>	<b>Lead Authority</b>	<b>Actioning Partners</b>	<b>Tactical Developments</b>
1. Sunbeds	Concerns expressed across the EU. Low levels of compliance.	EU, Parliament, DH, BIS, local DPH's and LA's.	BIS/HSE & LA's	Application of legislative provisions contained in GPSR 2005 and Sunbed (Regulations) Act 2010. NETSA as regional group has undertaken survey work.
2. Niche Cosmetic Products	Concerns expressed across the EU. Low levels of compliance.	EU, Parliament, DH, BIS, local DPH's and LA's.	BIS & LA's	Development of new products as identified by market surveillance authorities in UK. Specifically work targeted at products available

				through social media sites and also available and identified at Ports of entry.
3. Hover Boards	Concerns expressed across the EU. Low levels of compliance.	EU, Parliament, DH, BIS, local DPH's and LA's.	BIS & LA's	Development of new product as identified by market surveillance authorities in UK. Specifically work targeted at products available through social media sites and also available and identified at Ports of entry.
4. Children's Costumes		EU, Parliament, DH, BIS, local DPH's and LA's.	BIS, LA's & BSI	Development of new product as identified by market surveillance authorities in UK. Specifically work targeted at products available through social media sites and also available and identified at Ports of entry.

## Recommendations

8. The Committee is asked to note the information contained within this report.

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