

TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE AGENDA

Thursday, 14 February 2019 at 10.00 am in the Whickham Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes (Pages 3 - 8) The Joint Committee is asked to approve as a correct record the minutes of the previous meeting.
3	Report and Statistical Return for the Quarter Ending December 2018 (Pages 9 - 12) Report of the Strategic Director, Communities and Environment, Gateshead Council
4	Farm Inspection and Regulation Review (Pages 13 - 16) Report of the Service Director, Communities and Environment
5	Local Government Association Warning that Illegal Tobacco Trade Harming efforts to Cut Smoking (Pages 17 - 18) Report of the Service Director, Communities and Environment
6	Pension Scams (Pages 19 - 20) Report of the Service Director, Communities and Environment
7	Radanoff Vodka (Pages 21 - 22) Report of the Service Director, Communities and Environment
8	Announcement on Citizens Advice Scams Action Project (Pages 23 - 24) Report of the Service Director, Communities and Environment
9	New Burden Grant Allocations Associated with Introduction of Tobacco Product Directive and Age of Sale - Nicotine Inhaling Products Legislation (Pages 25 - 26) Report of the Service Director, Communities and Environment

10 Proposal from Greater Manchester to Introduce a Tobacco Retailer & Wholesaler Licensing System (Pages 27 - 30)

Report of the Service Director, Communities and Environment

11 Proposed 2019/20 Meeting Dates

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

12 Exclusion of the Press and Public

The Committee may wish to pass a resolution to exclude the press and public from the meeting during consideration of the following item on the grounds indicated:-

Item No	Paragraph of Schedule 12 A to the Local Government Act 1972
13	3

13 Metrology & Product Safety Business Plan (Pages 31 - 40)

Report of Service Director, Communities and Environment

GATESHEAD METROPOLITAN BOROUGH COUNCIL

TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE MEETING

Thursday, 1 November 2018

PRESENT: Councillor K Dodds (Chair)
Councillor(s): Councillor J Fletcher, T Graham, I Patterson,
Councillor S Graham, Councillor J Blackburn,
Councillor A Wilson, L Wright and Councillor M Lawson

TW35 APOLOGIES FOR ABSENCE

Apologies for Absence were received from

Councillor M Foy – Gateshead Council
Councillor J Harrison – North Tyneside Council
Councillor P Lovatt – Newcastle City Council
Councillor N Kemp – Newcastle City Council
Councillor D Waller – Newcastle City Council

TW36 MINUTES

RESOLVED - That the minutes of the meeting held on 21 June 2018 were agreed as a correct record subject to it being noted that Councillor Wright, Newcastle City Council submitted her apologies.

TW37 REPORT AND STATISTICAL RETURN FOR THE METROLOGY LABORATORY

The Committee received the update on the work of the Joint Metrology Laboratory for the period since June 2018.

The laboratory has continued to support the constituent authorities by providing specialist advice and equipment and providing calibrations to enable the statutory functions of the Weights and Measures Act 1985 to be conducted. The laboratory has also been providing professional advice and disposing of illegal vape liquids and testing Halloween costumes for flammability. The laboratory has also ported over the Quality Management system to ISO 17025:2017 in readiness for the next UKAS audit due on 8 January 2019.

The Committee were advised that due to the work on the Quality Management System and the Laboratory Manager carrying out operational work the Business Plan has not been progressed.

It was queried as to whether the circumstances would change with regards in order

to develop the business plan. It was noted that in order to improve things and the marketability of the service the business plan needs to be prioritised.

RESOLVED – that the information presented by noted.

TW38 CONSULTATION ON PROPOSALS TO RESTRICT THE SALE OF ENERGY DRINKS

The Committee received a report to provide an update on the response by Government to the various concerns related to the sale of energy drinks.

Research has found that adolescents (aged 12-18) who consume energy drinks several times a day are 4.5 times more likely to report experiencing headaches, 3.5 times more likely to report sleeping problems, and 3.4 times more likely to report experiencing tiredness than adolescents who do not consume energy drinks.

Manufacturers are currently required by European Union law to label all energy drinks containing over 150mg of caffeine per litre as 'not recommended for children'.

Many larger retailers and supermarkets have voluntarily stopped selling energy drinks to under 16s. However, there are still many retailers who continue to sell these drinks to children.

The Government issued a consultation in August 2018 on a proposal to introduce new legislation to tackle the sale of energy drinks. The Government set out its view in the consultation that legislating to end the sale of high-caffeine energy drinks to children would create a level playing field for businesses and created consistency, helping ensure that children do not have access to energy drinks in any shop.

The Government is consulting on whether the age limit for an end to sales of energy drinks to children should be 16 or 18 years of age. A number of retailers, including major supermarkets have already stopped the sale of energy drinks to under 16s. An age limit of 16 would therefore be consistent with existing voluntary limits that many retailers have already applied.

However, 16 and 17 year olds are the highest consumers of energy drinks. Furthermore the age of 18 is widely recognised as the age at which one becomes an adult, gaining full citizenship rights and responsibilities, and is also the age limit for purchasing other age-restricted substances, such as tobacco and alcohol. Other countries that have already ended the sale of energy drinks to children, have used 18 as the age limit.

A response to the consultation will be submitted on behalf of the region by the North East Trading Standards Association.

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

TW39

IMPLEMENTATION OF THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018

The Committee were presented with a report to provide an update on the responses provided by local authorities as animal licensing authorities on the new legislative requirements under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. The Regulations came into force on 1 October 2018.

The previous legislation, covering a range of animal-related legislation had been in place for decades, and in that time, there have been huge changes in pet owner attitudes and lifestyles. The new legislation takes into account different business models which have sprung up in response to these, as well as the rise of the internet. A major criticism of the previous legislation was that they were inconsistently applied across the country, with inspection fees varying hugely and the inspections themselves based on a variety of different criteria. These issues have been addressed in the new regulations.

The new regulations provide for the licensing of persons involved in England in selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs and keeping or training animals for exhibition.

Part 2 of the Regulations sets out how a person may apply to the local authority for a license and sets out matters in respect of which a local authority must be satisfied when considering the granting or renewing of a licence. It provides for a local authority to charge fees to cover the costs it incurs in performing this function, considering a licence holder's compliance with these Regulations, enforcement and administration. It requires a local authority to have regard to guidance issued by the Secretary of State in carrying out their functions under these Regulations. It makes provision for the inspection of premises and provides powers for inspectors to take samples from animals.

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

TW40

REPORT ON PLANNED ACTIVITY DURING THE LEAD UP TO BONFIRE NIGHT

The Committee received a report to provide an update on planned activity within the constituent authorities on the run up to bonfire night.

In July 2017 rules for fireworks changed after a period where two regimes ran in parallel. All fireworks must comply with Directive 2013/29/EU and the European standard EN15947 as opposed to either that standard of BS7114.

All Councils have developed very strong links with the Fire and Rescue Service over the years and carry out a series of joint inspections to fireworks premises. The Fire and Rescue Service check whether the fireworks are safely stored and displayed and that the net explosive content of the fireworks is within the limits appropriate for the licence of the premises.

Trading Standards officers undertake a number of checks to make sure of compliance within the premises. They also check to make sure boxes haven't been broken up to make sure that valuable instructions haven't been lost.

Officers also carry out some underage test purchases, this is undertaken in partnership with Northumbria Police. Officers also assist the Police or Fire and Rescue Service if any intelligence is received with regards to unlicensed premises.

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

TW41

REPORT ON THE OFFICE FOR PRODUCT SAFETY AND STANDARDS STRATEGY AND DELIVERY PLAN

The Committee received a report to inform members of the launch of the Office for Produce Safety and Standards strategy and delivery plan which aims to strengthen the UK's capacity to deal with produce safety issues.

The strategy and delivery plan summarises the challenges and opportunities presented by the UK's product safety system and list the actions the OPSS will implement to achieve for its four objectives.

- Analyse – make the best use of scientific evidence, incident data, risk and intelligence in decision making
- Inform – help consumers make informed choices and give businesses the information they need to comply
- Enforce – use the full range of tools and powers to maintain protection, fairness and confidence
- Build – put in place an infrastructure that equips the UK for future challenges

The OPSS intends to carry out a range of actions as part of its commitment to achieving the above objectives. These include:

- Promoting the Code of Practice for product safety related recalls (PAS7100) which was launched in March
- Developing tools and guidance to help businesses and local authorities improve their risk assessment processes
- Working with the national Intellectual Property Office to publicise the potential safety hazards posed by counterfeit goods
- Establishing a Trading Standards Co-ordination Unit to lead on engagement with local authorities
- Strengthening product safety checks at key points of entry into the UK
- Beginning a market surveillance testing programme in partnership with local authorities
- Improving the way authorities share information about product risks and receive rapid alert notifications
- Developing a central hub to enable consumers to access reliable information about recalled products and receive alerts about products they have registered

Responsibility for the enforcement of consumer product safety legislation will remain with local authority Trading Standards services. Product safety remains one of the highest priorities for local authority Trading Standards services and any improvements that can be made to the existing regulatory framework would be welcomed.

Coordination and joint working between the OPSS and local authority Trading Standards services are currently at a very early stage and we await further information from the OPSS on these and other points, including the implications of exiting the European Union for the UK's consumer product safety regulatory framework.

RESOLVED - that the information contained within the report be noted

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14 February 2019

Report for the Quarter Ending December 2018

**Anneliese Hutchinson, Service 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 and operational duties to present.

Metrology Laboratory

Operational

1. The laboratory continues to support the five authorities of the Tyne and Wear region offering specialist services, equipment and personnel.
2. Training in metrology for trading standards candidates was paused this year as the professional body are changing the qualification and therefore there is a hiatus in training courses.
3. There has been an unprecedented demand on the laboratory with all staff working flat out to meet customer's demands and turn-around times have increased as a result.

Aid and Advice to Industry

4. Local weighing machine repairers, chemical, pharmaceutical and aeronautical companies continue to submit their test weights, scales and length measures for calibration and equipment hired.
5. Checks have been made to operational fuel dispensers at Park Road and Cowan Road in Gateshead to ensure that stock levels are reported correctly for audit purposes and calibration certificates issued for their equipment.
6. A small calibration company has asked for specialist help in using accelerometers to determine flow-rates of liquids through pipework.
7. Another local authority laboratory has asked for help on health and safety considerations in their metrology facility as well as providing specialist metrology advice.
8. Northern Ireland laboratory has asked for advice on quality assurance matters for their metrology facility particularly in relation to their UKAS accreditation.

9. An Irish scale company asked for help in preparing uncertainty of measurement budgets to satisfy their customers and their own quality management system.
10. A Gateshead company has approached the laboratory for help with uncertainty of measurement to clear the UKAS non-conformances that were raised at their last audit.
11. The laboratory is currently working with a dairy farmer in Northumberland to prepare and fabricate templates to aid in bottling milk to ensure legal compliance with the Packaged Goods Regulations.
12. A small start-up business from York has started producing stuffed toys and has come to the laboratory on advice with complying the Toy Safety Regulations and submitting some samples for testing.
13. A small start-up business from Gateshead is producing “mud kitchens” and has approached the laboratory for advice on compliance issues and submitted a kitchen for testing.

EC Verifications

14. During this period, the laboratory has undertaken EC Verifications for several weighbridges for weighing vehicles and scales used in chemical companies.

UKAS Calibrations

15. Weights continue to be submitted for calibration and issue of UKAS Calibration Certificates.
16. The laboratory underwent its annual audit by UKAS immediately after Christmas. There were minor issues to deal with, which was expected as the quality standard was changed and this was the first audit against the new version of the standard.

Toy Safety

17. Again only a few samples were submitted by the authorities and they were found mainly to be compliant with relevant legislation.
18. Samples have been submitted via the available funding from OPSS to test various consumer products, this included for example the ballistic velocity for toy guns.

Electrical Safety

19. Samples have been submitted by Hartlepool, in the form of home-made sunbeds as well as the Tyne & Wear authorities.

Cigarette Samples

20. Samples of cigarettes were submitted to the laboratory for reduced ignition propensity testing and were found to be non-compliant with legislation, reports and witness statements were prepared for many authorities outside the Tyne &

Wear region. Of the samples submitted very few passed the tests detailed in the Standard which is a concern.

21. One sample was submitted on behalf of Norfolk Fire and Rescue, with the evidence to be submitted to the Coroner's court.

National Agenda Meetings

22. The laboratory was represented at the UK Legal Metrology Experts Panel.

Recommendation

23. The Committee is asked to note the information contained in this report.

Contact: Andy Hayward, Gateshead Council on 0191 4784550 or e.mail
andrewhayward@gateshead.gov.uk

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

14 February 2019

Farm Inspection and Regulation Review

**Anneliese Hutchinson, Service Director, Communities and Environment,
Gateshead Council**

Purpose of the report

To update the Committee on the review of farm inspection and regulation.

1. This independent review of farm inspection and regulation was commissioned in February 2018 by the Secretary of State for Environment, Food and Rural Affairs. The terms of reference were to identify opportunities, before and after EU exit, for improving farming-related regulation and enforcement, including inspections, in order to reduce burdens on farmers while maintaining and enhancing our animal, plant and environmental health standards. The review applies to England only. The report was published on the 13 December 2018
2. Colleagues from the National Animal Health and Welfare Panel have liaised with review officials. At interim report stage they were very concerned about their understanding of the role of local authorities and the potential risk that the report might recommend local authorities losing this role altogether. Further meetings took place prior to the report being finalised. The final report does better recognise the breadth of the role of local authorities. It is still proposing key changes to the enforcement system though.
3. The most notable paragraph states:-

“We then move on to consider the future role of local authorities. Given the significant delivery difficulties we describe, we consider responsibilities should change. We argue that it is not acceptable or fair for enforcement to depend on locality that the regulatory system should respond consistently to welfare complaints, and that oversight of animal health and welfare should not ever reduce because of local resource pressures. We appreciate there is a cadre of capable and dedicated local authority animal health and welfare staff, albeit numbers are most likely reducing”.

4. *“We propose the regulator should be empowered to commission regulatory activities (such as the first response to welfare complaints) from individual local authorities or other suitable bodies but should do so only where that would be effective as well as efficient. In that way, local authorities that retain animal health and welfare competence and capability may choose to play a role, in line with the regulator’s priorities and expectations”.*

“We propose that the government should review local authority statutory obligations relating to the health and welfare of farmed animals. Of course, local

authorities have much wider responsibilities than just animal health and welfare on farm and will wish to continue to investigate and prosecute within their own areas. In exotic disease outbreaks and other emergency situations they have, and will continue to have, an important and valued role”.

5. In summary, the report also recommends that the Government should:
6. *Create a new independent regulator for farming and land management as soon as possible as outlined in the report.*

Ensure that the design principles and the mature regulatory approaches, described, underpin the regulatory system and single regulator. On leaving the EU, the government should adopt a sophisticated and balanced view of regulation, beyond a mere set of binding rules, so that regulation maximises opportunities (e.g. to enhance the environment) as well as minimising risks of harm.

Require the regulator to report periodically and comprehensively on the extent to which the government’s stated priorities are being met. The regulator should develop measures that enable farmers, land managers and the regulator to jointly track progress and areas of concern, and to help farmers and land managers make key business decisions day-to-day.

7. *Legislate to rationalise farm and land registration requirements and to allow for the creation of a single land-keepers’ register, to be held by the regulator. Current arrangements for registering land parcels should be carefully assessed and simplified as soon as possible.*

Simplify and standardise animal registration, while retaining the use of CPH numbers (for disease control purposes). All poultry should be registered, given exotic disease risks, and the government should consider whether South American camelids and horses should be registered, for endemic disease control or welfare reasons.

8. *Review the Defra group configuration. The Government should retain sufficient field staff with the Environment Agency to enable it to deliver its future remit, but otherwise consolidate and create one field force under the auspices of the new regulator.*

Response from the Association of Chief Trading Standards Officers

9. The chair of the Association of Chief Trading Standards Officers, as a professional officer body has now written to George Eustice the Minister of State for Agriculture, Fisheries and Food in the following terms:
10. *“It is at this unique point in time, as the implications of EU Exit for businesses, enforcers and consumers become clear, that local authorities can provide an invaluable contribution to the future of farming regulation. Local authorities not only have extensive expertise and knowledge of working with the farming and food industry but have also established a reputation for delivering value for money, flexible and knowledgeable regulatory services that can deliver tangible benefits in difficult financial times. They retain a fair approach to enforcement,*

working with partners and impartially considering the needs of the public, businesses and how best to use limited public funds”

Recommendation

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

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

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Report to the Tyne and Wear Trading Standards Joint Committee

14 February 2019

Local Government Association warning that illegal tobacco trade harming efforts to cut smoking

Anneliese Hutchinson, Service Director, Communities and Environment, Gateshead Council

Purpose of the report

On the 26 January 2019 the Local Government Association (LGA) made the announcement that millions of cheap, illegal cigarettes are flooding the market with criminals selling them on Facebook and rogue traders using sophisticated secret places to store them.

1. The LGA stated that the illegal tobacco trade is rife and undermining efforts to reduce smoking and it is calling for courts to impose bigger fines for selling illegal cigarettes which cost the UK economy more than £2 billion a year in unpaid duty.
2. Fake or counterfeit cigarettes are made to look like popular UK brands but typically have foreign health warnings and no picture health warnings, while non-duty paid, or bootlegged cigarettes, are UK brands usually brought into the country from abroad and sold illegally.
3. Recent Council hauls, including some in the north east, have seen sniffer dogs used to trace and remove bootlegged and counterfeit tobacco from the streets as they continue to crack down on the illegal trade.
4. In the north east, these operations have been supported by the intelligence received from the "Keep it out Campaign" formulated and delivered by Fresh Smoke Free North East.
5. In recent seizures, stashes of illegal cigarettes and tobacco have been found hidden in sophisticated hiding places in the walls and floors of shops and secret panels in cupboards which are operated electronically.
6. Trading standards officers have previously found illegal hauls hidden in toilet cisterns, in boxes of sweets, behind extractor fans and ceiling lights.
7. Fake cigarettes pose a greater fire risk as they do not include designs that ensure that a lit cigarette will self-extinguish if not actively smoked. This reduces the chances of them starting a fire if they are left burning in an ashtray, are dropped or if the smoker falls asleep.

8. As Members will be aware, the testing of cigarettes to ensure that every cigarette sold in the EU meets a reduced ignition propensity (RIP) requirement by having ultra-thin bands of slightly thicker fire-retardant paper at intervals down the length of the cigarette so that, once lit, it will self-extinguish if not actively smoked; Is one of the services offered by the Metrology Laboratory.
9. Councillor Simon Blackburn, Chair of the LGA's Safer and Stronger Communities Board, said:
 - *"The sale of cheap, illegal tobacco by rogue traders in shops, private homes and through social media is funding organised criminal gangs and damaging legitimate traders, as well as making it easier for young people to get hooked on smoking, which undermines councils' efforts to help people quit.*
 - *"Counterfeit cigarettes also fail to extinguish themselves when left to burn, presenting a real danger to people.*
 - *"Bigger fines need to be imposed by the courts to deter the sale of illegal tobacco to help councils' enforcement work against rogue traders, reduce crime in our communities and protect the health of children and young people".*



Recommendation

10. The Committee is asked to note the information.

Contact: David Ellerington. City of Newcastle on (0191) 2116119
david.c.ellerington@newcastle.gov.uk

Report to the Tyne and Wear Trading Standards Joint Committee

14 February 2019

Pension Scams

**Anneliese Hutchinson, Service Director, Communities and Environment,
Gateshead Council**

Purpose of the report

To update Members To update the Committee on the response provided nationally to the issue of pension scams.

1. From the 9 January 2019, unsolicited calls about the pensions of consumers have now been made illegal. Businesses that make unwanted, unsolicited phone calls to people about their pensions may face enforcement action, including fines of up to half a million pounds.
2. Pensions fraud can be devastating, leaving victims without the means to fund their retirement. One of the most common methods used by scammers to commit pensions fraud is through cold calls, which is why the action has been taken. Research carried out by the Money Advice Service suggests that there could be as many as 8 scam calls every second – the equivalent of 250 million calls per annum.
3. If consumers receive an unwanted call from an unknown caller about their pension, they are advised to get as much information as they can and report it to the Information Commissioner's Office. Consumers are also urged to seek independent advice if they are thinking about making an important financial decision.
4. According to the Financial Conduct Authority (FCA), pension scammers stole on average £91,000 per victim in 2018.
5. Consumers are advised that if they receive a cold call about their pension, get any information that they can, such as the business name or phone number, and report it to the Information Commissioner online at: <https://ico.org.uk/> or on 0303 123 1113.
6. If consumers think that they have lost money to fraud, they are advised to report the loss to Action Fraud on 0300 123 2040 or online at: <https://www.actionfraud.police.uk/>

Further information

7. The ban prohibits cold-calling in relation to pensions, except where:
 - the caller is authorised by the FCA, or is the trustee or manager of an occupational or personal pension scheme, and

- the recipient of the call consents to calls, or has an existing relationship with the caller
8. Anyone looking for help on their pensions can visit Pension Wise, a free and impartial service that helps consumers understand the options for their pensions. Go to: <https://www.pensionwise.gov.uk/en>

Recommendation

9. The Committee is asked to note the information.

Contact: Judith Shewan, South Tyneside Council on 0191 424 7891 or e.mail Judith.Shewan@southtyneside.gov.uk

Report to the Tyne and Wear Trading Standards Joint Committee

14 February 2019

Radanoff Vodka

**Anneliese Hutchinson, Service Director, Communities and Environment,
Gateshead Council**

Purpose of the report

To update the Committee on the response provided nationally and regionally to the issue of “Radanoff” vodka.

1. In January 2019 following work by Trading Standards colleagues from Hull City Council, it emerged that a fake brand of vodka which may contain industrial-strength alcohol and cause serious health issues - and even death - has reached the shelves of UK shops.
2. Hull City Council admitted there is no way of knowing what is in bottles of “Radanoff”, a brand of alcohol which seemingly is ‘not recognised’. Hull City Council warned the public not to buy it. The bottles have no HMRC duty stamp and the barcode does not link to a real product.
3. Hull City Council on the 14 January 2019 through the authority’s twitter account stated: *“Warning: if you spot ‘Radanoff’ vodka for sale, do not buy or drink it. Radanoff is a fake brand seized recently in Hull. It could contain industrial alcohol which can cause blindness or death. Tests are still to be carried out on the bottles seized - until those are complete there’s no way of knowing what’s in the bottles. Tests are still to be carried out on the bottles seized - until those are complete there’s no way of knowing what’s in the bottles”.*
4. The response locally by officers in the north east has been to publicise the seizure of the “Radanoff” vodka with consumers, businesses and other enforcement colleagues including Northumbria Police. There have also been inspection visits to licensed premises in the area.
5. The advice offered to businesses tempted to buy the illegal alcohol from unscrupulous traders is simple – “Don’t risk it”. There are clearly several potential offences under consumer protection legislation including food safety.
6. Businesses are also advised by HMRC that If they sell alcohol to another business they may need to apply for approval for the Alcohol Wholesaler Registration Scheme (AWRS). HMRC introduced the scheme to tackle alcohol fraud. From 1 April 2017 if businesses buy alcohol to sell from a UK wholesaler, they will need to check that the wholesaler has been approved by HMRC and has an AWRS Unique Reference Number (URN).

7. Businesses are advised that they will need to carry out checks before they trade with each wholesaler. They will need to repeat this check periodically, to ensure their wholesalers remain approved for AWRS and, they should keep records of the checks as evidence of their due diligence. Go to: <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>
8. Businesses have also been advised that the discovery of any illegal alcohol in licensed premises may very well lead to an initiation of a Review of a Premises Licence leading to potential revocation of that licence under the provisions of the Licensing Act 2003. As Members will be aware this is a tactical approach, which has been successfully employed in this region and led to the suspension and revocation of a significant number of Premises Licences.
9. The advice offered to consumers is simply not to buy the alcohol but if they see the brand on sale report it through to regulatory services so that action can be taken. If consumers do drink the “Radanoff” vodka and feel unwell as a result, they are advised to seek medical assistance as a matter of some urgency.



Recommendation

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

Contact: David Ellerington. City of Newcastle on (0191) 2116119
david.c.ellerington@newcastle.gov.uk

14 February 2019

**Announcement on Citizens Advice Scams
Action Project**

**Anneliese Hutchinson, Service Director, Communities and Environment,
Gateshead Council**

Purpose of the report

To update the Committee on the recent announcement made by the consumer finance journalist Mr Martin Lewis about the lawsuit he took against Facebook.

1. Mr Lewis announced on the 23 January 2019 that he is dropping his lawsuit against Facebook over its repeated failure to prevent scam adverts from using his name and image, after the company agreed to donate £3m to set up an anti-scam project with Citizens Advice and launch a UK-specific one-click reporting tool.
2. Mr Lewis, who launched the lawsuit after an estimated *“thousands, possibly tens of thousands”* of people fell prey to scams promoted using his reputation, said a court battle was never his aim.
 - *“My aim was to try and reduce and stop the hideous number of scam adverts that had been going on in UK online advertising that have really hurt real people,”* he said.
 - *“The first time my attention was drawn to this was a man who accused me of scamming him out of £19,000. I don’t do adverts, full stop. Any advert with me in it is a lie, it’s a scam. That’s where the anger came from.”*
3. Facebook’s donation to Citizens Advice, which will total £2.5m in cash as well as £500,000 of vouchers for the company’s online ad service, will be used to fund an independent scam prevention project, Citizens Advice Scams Action (Casa). When Casa launches in May 2019, it will work to identify and tackle online scams, as well as support victims. This is in the early planning stages but will be mainly aimed at online scams.
4. The social network will also launch a UK-specific tool that lets British users easily and quickly flag ads they believe to be scams. It will be backed up by a dedicated internal team to handle the reports. It will also proactively investigate trends and find and shut down violating ads.
 - *“We don’t allow these ads on our platform,”* said Mr Steve Hatch, Facebook’s regional director for northern Europe. *“We have a zero-tolerance approach to people using these ads on our platform, but we know that zero tolerance doesn’t mean zero occurrence.”*

- Mr Hatch said the company would monitor the effectiveness of the tool and added that it was *“very imaginable that we’d push this out into other markets”* if it worked but declined to commit to a global rollout.
- Mr Lewis said Facebook was making great strides in tackling scam adverts but other online publishers were not. *“Over the last few weeks I have again been plagued by scam adverts. A few of them have been on Facebook and when we’ve told them they’ve taken them down quickly”*.
- He added: *“I want every online advertiser to see this as a warning shot across their bows.”*

Recommendation

5. The Committee is asked to note the information.

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

14 February 2019

**New Burden Grant Allocations Associated with
Introduction of Tobacco Product Directive and
Age of Sale – Nicotine Inhaling Products
Legislation**

**Anneliese Hutchinson, Service Director, Communities and Environment,
Gateshead Council**

Purpose of the report

To update the Committee on the recent notification of New Burden Grant Allocations to local authorities in England.

1. A letter has recently been sent out, by the Department of Health and Social Care and which confirms details and allocations of Department of Health New Burdens funding; awarded under Section 31 of the Local Government Act 2003 to cover any additional costs incurred as a direct result of implementation of the Tobacco Product Directive and the Nicotine Inhaling Products legislation as it relates to age restricted products in 2018/2019.
2. The overall total of the available funding is £659,866. Each Local Authority in England will receive a minimum payment of £2,000, with further sums allocated according to adult smoking prevalence across the authority, using the latest Office for National Statistics Report, “Adult smoking habits in the UK 2017”, as published in July 2018. Amounts range from £2,015.45 to £12,883.96.
3. The sums that have been distributed to the local authorities in the North East are as follows:

LA name	Amount
Gateshead	£3,469.22
Newcastle upon Tyne	£3,983.20
North Tyneside	£3,480.58
South Tyneside	£3,205.79
Sunderland	£4,774.39

4. Due to the very tight timescales to spend these grant allocations (by end of March 2019), your officers will be fully engaged in ensuring that this additional finance is allocated in line with local authority service provision and procedures.

Recommendation

5. The Committee is asked to note the information.

Contact: Alan Burnett, North Tyneside Council on 0191 6436621 or email alan.burnett@northtyneside.gov.uk

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Report to the Tyne and Wear Trading Standards Joint Committee

14 February 2019

Proposal from Greater Manchester to Introduce a Tobacco Retailer & Wholesaler Licensing System

Anneliese Hutchinson, Service Director, Communities and Environment, Gateshead Council

Purpose of the report

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

Context

1. The Greater Manchester “*Making Smoking History*” strategy identifies addressing tobacco licensing as a key issue for Greater Manchester wide action. The strategy also flags extending smokefree spaces as another potential area for regulatory change. This report sets out the next proposed steps for a regulatory process to better control sales of tobacco in Greater Manchester and build on the popular 2007 smokefree laws as part of a publicly driven movement to “*Make Smoking History*” in Greater Manchester.
2. The regulatory framework relating to tobacco has changed significantly over the past decade. The promotion of tobacco via mainstream marketing, advertising and sponsorship is now gone; 2007 saw the ground-breaking ‘smokefree’ law come into force; age of sale has increased to 18; vending machines have been removed; tobacco is now sold in standardised packs; cars carrying under 18s should now be smokefree.
3. What has not changed is the ability and capacity of local authorities in England to monitor, control and sanction the sale of tobacco in their communities. This is seen as putting England at odds with other UK jurisdictions in Wales, Scotland and Northern Ireland where tobacco retailer registration schemes are in place.
4. In England no such regulatory powers exist, and the Government’s Tobacco Control Plan for England, “*Towards a Smokefree Generation*”, published in July 2017, makes no reference to any plans for a tobacco retailer licensing or registration scheme.
5. A public engagement conducted during February - April 2018 demonstrated strong backing for the Greater Manchester “*Making Smoking History*” strategy, including extending smokefree spaces and a tobacco retailer licensing scheme in Greater Manchester, with some 81% supporting the proposal. This confirms previously high levels of support for these measures in other national surveys.

6. An independent study with a representative sample of 352 tobacco retailers across all 10 Greater Manchester localities, asked retailers to what extent they agreed that having a tobacco licence they could lose if they broke the law around underage sales or illegal would deter them from doing so. 82% strongly or slightly agreed, with 69% strongly agreeing.

Benefits of Tobacco Licensing Schemes

7. Such schemes:
 - Protect children from underage sales and sales of illegal tobacco;
 - Helps regulatory services to build more positive relationships with responsible retailers;
 - Protects legitimate business from rogue traders and rogue trade;
 - Fits within the recommendations of the international Illicit Trade Protocol;
 - Provides additional sanctions for local authority regulators;
 - Helps quitters by preventing sale of cheap illegal cigarettes;
 - Empowers planners. Authorities could decide not to grant licences within a certain distance of a school or to allow maximum number of licences for an area;
 - Ensures retailers to receive appropriate information and support to uphold their obligations.

A Way Forward for New Tobacco Regulation in Greater Manchester

8. The 2017 Tobacco Control Plan for England does not intend to seek powers to create a new national regime for tobacco retailing.
9. The Greater Manchester “Making Smoking History” Strategy stated that consideration will be given to ‘a new positive licensing system for Greater Manchester tobacco retailers and wholesalers’. Public opinion surveys have shown that there is widespread support for licensing the tobacco trade.
10. A workshop conducted with senior regulatory services officers and partners from Greater Manchester Police and HMRC indicated a strong appetite to scope potential licensing legislation.
11. A review by the legal services at Manchester City Council, with legal support from the Greater Manchester Combined Authority has been carried out to (a) explore whether existing powers could enable the Combined Authority, and/or the 10 local authorities introduce a licensing scheme(s) and extend smokefree spaces; or (b) other legislative vehicles such as byelaws or a local Act of Parliament would be required.
12. In summary, this review concluded that it would not be possible to make existing powers such as those in operation in Scotland and Wales become a legal function of the Greater Manchester Combined Authority or any Greater Manchester authority.
13. Under section 239 of the Local Government Act 1972, the combined authority or one individual local authority on behalf of the 10 could however promote a local Act of Parliament. The Greater Manchester Leadership Team has agreed a lead local authority route. Manchester City Council will lead the process for Greater Manchester localities. This process is independently open to any local authority.

Proposed Next Steps

14. The process for achieving the implementation of such an Act is complex. The plan of Greater is to table a Bill in November 2019. The draft Bill was expected to be available in January 2019 and will be subject to a regulatory impact assessment and consultation process.
15. There is scope for localities outside of Greater Manchester to work alongside them to pursue similar Bills just as Liverpool, London and Merseyside all took forward independent and identical smokefree Private Bills in November 2004 and 2005. Any locality engaging in the same process could pursue only the licensing element of the legislation should they so wish. Costs and risks could be shared appropriately.
16. Greater Manchester is keen to work with the region and Fresh Smokefree Northeast and with other partners across the North and beyond to understand any interest in the legislation they are taking forward. The experience of Liverpool, Merseyside and London local authorities was that their Private Bills for a smokefree law were superceded by national legislation, which became comprehensive in its scope.

Recommendation

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

Contact: David Ellerington, City of Newcastle Council on 0191 2116119 or email david.c.ellerington@newcastle.gov.uk

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