

GATESHEAD METROPOLITAN BOROUGH COUNCIL
TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE MEETING

Thursday, 22 February 2018

PRESENT: Councillor K Dodds (Chair)

Councillor(s): Councillor J Fletcher, D Duggan, M Foy,
T Graham, Earley, Hunter, Councillor A West,
Councillor J Blackburn, Councillor D Huddart,
Councillor S Lambert and Councillor M Lowson

APOLOGIES: Councillor(s): Councillor J Perry, Councillor M Mordey,
Councillor A Wilson and Councillor Nick Kemp

TW14 MINUTES

RESOLVED - That the minutes of the meeting on the 12 October 2017 be agreed as a correct record.

TW15 REVENUE ESTIMATES 2018/19

The Committee received the Budget Estimates for 2018/19 and the projected outturn for 2017/18. The salary estimate includes a pay increase of 0%. It has also been assumed that current income levels will be maintained.

RESOLVED - That the Committee approved the latest budget estimate of £338,811 for 2018/19.

TW16 REPORT AND STATISTICAL RETURN FOR THE QUARTER ENDING DECEMBER 2017

The Committee received a report to inform them of the work of the Metrology Laboratory for the quarter ending December 2017.

The Laboratory is continuing with its calibration work, EC Verifications and cigarette samples are still coming in. The laboratory manager has attended court as a witness for a case in Middlesbrough.

The Laboratory Manager is continuing to train Trading Standards Candidates and the recent cohort have all passed. Newcastle officer wanted his thanks placed on record for the work undertaken by the Laboratory Manager to get the Newcastle candidate through their training.

The Laboratory Manager advised the Committee that there is an opportunity to submit a bid for funds around electrical safety. The theme of the bid is about the risk of fire due to misuse or lack of maintenance thereof. Councillors were asked to think about any issues they may have in their wards and the team may be able to help out

if they are successful in the bid for funding.

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

TW17 METROLOGY LABORATORY REVIEW 2018

A report was presented to Committee to provide an update on the current internal review which is being undertaken in order to future proof the Metrology Laboratory.

In the Short Term it is proposed that the following actions are undertaken:

- Maintain the laboratory in its present form offering required working standard calibrations and UKAS to E2
- Increase M1 and F2 capability to 50 kg
- Develop a capital replacement programme for business critical comparators, thereby ensuring continuance of business (see Appendix 2)
- Develop a professional web presence so new clients can be aware of services
- Establish a costing for services that is competitive and realistic with regard to overheads
- Develop training programme for all staff

In the medium term it is hoped that the following actions can be undertaken:

- Create room within the Met Lab to allow adjustment of cast iron 20 kg masses, thereby minimising the manual handling of same
- Develop a business continuity plan to include facilities, equipment and staffing to ensure no interruption to offered services
- Consideration given to developing training packages for metrology users
- Marketing campaign to raise the profile of the Met Lab in the North East and UK
- Market research to gain an understanding of Northern England calibration requirements at E2 level
- Attaining accreditation for weighing machines under UKAS
- Researching possible market for UKAS accreditation in volume measures
- Develop a staff recruitment and retention policy for the laboratory

In the long term the proposals are as follows

- Investment of new climate control for M1 laboratory to allow F2 calibrations freeing space in the E2 laboratory
- Have built in redundancy with regards to comparators
- Providing more office and laboratory space utilising the existing building footprint but building a second floor. This would allow conferences, training facilities and meeting rooms for the Tyne and Wear Authorities.

It is proposed that the Committee receive a progress report at its June meeting.

RESOLVED - That the information in the report be noted.

TW18 NEW ADVERTISING STANDARDS AUTHORITY RULING AND THE EFFECTS FOR THE MOTOR INDUSTRY

The Committee received a report to provide an update on a recent ASA ruling of what constitutes material information when purchasing a used vehicle.

The ASA considered that vehicles that had been leased out for business purposes and used by multiple users were more likely to have been subjected to wear and tear compared to vehicles that were previously owned by a private owner. They accepted the argument that ex-business single use vehicles might be at least as well maintained as ex-private vehicles but they had not seen evidence to demonstrate this was generally the case.

They considered that if a dealer was aware that a vehicle was ex-fleet because it had previously been used for business purposes, then that was material information likely to influence a consumer's decision to purchase it. Also if a dealer knew that ex-fleet vehicle had been used by multiple users, then that too was material information for consumers to make an informed decision. Because the ads had omitted material information regarding the cars having been previously used for business purposes whilst part of a fleet, they concluded that there were misleading.

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

TW19 REPORT ON THE CHANGES ON CHARGING FOR THE USE OF DEBIT AND CREDIT CARDS

The Committee received a report to provide an update on recent legislative changes which affect charges for the use of debit and credit cards.

On the 13th January 2018 the Consumer Rights (Payment Surcharges) Regulations 2012 were amended and so brought into force the second EU Payment Services Directive.

Payment surcharging is when a fee is charged for the use of a particular means of payment, such as a debit card, credit card or e-money account. Merchants and retailers themselves will usually incur a payment processing fee for the use of certain payment methods, such as the merchant service charge for processing debit and credit card transactions.

Surcharges were often cited in the airline sector but are also imposed by some retailers in other sectors, including rail, event tickets, cinemas, car dealerships and hotels. The Office of Fair Trading (OFT) estimated that consumers spend around £300 million on payment surcharges in 2010 in the airline sector alone.

New rules prohibit traders from levelling a surcharge in relation to a wide variety of transactions and surcharges are limited in some other circumstances. So for example, cinema or theatre can still charge a booking fee and an airline can charge for choosing a seat.

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

TW20 TRADING STANDARDS RESPONSIBILITIES UNDER THE CARE ACT 2014

The committee were provided with a report to update on the continuing role of Trading Standards services under the Care Act 2014.

The Care Act 2014 has consolidated existing care legislation and sets out the local authority's responsibility for both older people and people who care for them. It seeks 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.

Trading Standards services have sought to prioritise support for older and vulnerable people by providing advice and working with groups around the following areas:

- Doorstep Crime
- Scams
- National Trading Standards Scams Team
- Illegal Money Lending Team

The Home Office is currently conducting a series of regional seminars which will bring together stakeholders at working professional level from law enforcement, local authorities, the health sector, community groups and third sector organisations with the aim of building the understanding of crime impacting on older people and explore ways to collaborate to improve our response.

RESOLVED - That the information within the report be noted.

TW21 UPDATE ON THE VOLUNTARY BAN ON THE SALE OF CORROSIVE SUBSTANCES

A report was presented to Committee to provide an update on the response provided nationally to the safety issues which concern the safety of corrosive substances.

In March 2016 to April 2017 police recorded more than 500 attacks in England and Wales, double the number five years ago, with the majority of incidents in London.

It is feared that the true level of acid crimes may be much higher than official records show. A Freedom of Information request submitted by the BBC found the Metropolitan Police alone recorded more than 450 noxious or corrosive fluid incidents in London in 2016,

The Government issued a consultation in October 2017 on a proposal to introduce new legislation to tackle offensive and dangerous weapons. A response was submitted on behalf of the region by the North East Trading Standards Association.

In January 2018 quite a few of the UK's largest retailers agreed to voluntarily stop sales of acids to customers under 18 years old. A number of DIY Stores have

signed up to the ban, which will apply to some corrosive substances, including concentrated acids. The Home Office has already proposed new laws to limit the sale of corrosive substances amid continuing concern over rising numbers of acid attacks.

The restrictions will apply to drain cleaners containing sulphuric acid, as well as paint strippers, limescale removers and other cleaning products with an acid concentration of more than 10% or 12%.

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

TW22 ILLICIT TOBACCO - "KEEP IT OUT" CAMPAIGN

A report was presented to Committee to provide an update on the latest activities relating to the control of illicit tobacco.

Illicit tobacco comes in three forms;

- Smuggled – this is tobacco produced by legitimate companies that had been diverted from its intended market and sold in the United Kingdom
- Counterfeit – This is tobacco whether cigarettes or hand rolling tobacco, marketed illegally in packaging simulating legitimate brands
- Cheap Whites – Tobacco produced in factories with no legitimate retail market purely for the purposes of evading taxation and other laws.

In July/August 2012, Fresh North East, a body funded by the 12 regional local authorities ran a campaign called “Keep It Out” aimed at raising awareness of the harm of illegal tobacco and inviting members of the public to report sales of illegal tobacco. The campaign was very successful and a second campaign was undertaken between October and November 2017. Activities included a leaflet drop in target areas, press releases and advertising.

One of the key desired outcomes for the campaign was to supply intelligence to the Trading Standards sections of the local authorities in the region. Across Tyne and Wear there were over 100 separate intelligence reports made relating to individuals both at residential addresses and online as well as retailers.

The intelligence received has led to a number of enforcement activities. Newcastle City Council undertook 17 enforcement visits that netted just over 142,000 cigarettes and 23 kg of hand rolling tobacco. In Sunderland over 10,000 cigarettes were found at a retailer’s shop and his residential address and a raid on an online seller discovered a further 26,000 cigarettes. In addition Newcastle seized 74 bottles of alcohol and Sunderland seized a significant quantity of other counterfeit goods found on the same premises as the counterfeit cigarettes.

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

TW23 UPDATE ON PRODUCT SAFETY

The Committee received a report on the latest developments with regards to Product Safety.

On 9 January 2018, the House of Commons, Business, Energy and Industrial Strategy Committee published an updated report related to the “Safety of Electrical Goods”. The Committee decided to look at the safety of electrical goods, following their identification as the cause of several high-profile fires recently, such as Grenfell and Shepherd’s Bush Green. The number of fires they cause each year is persistently high.

The Committee found that reductions in funding for both local Trading Standards and National Trading Standards are inevitably having an impact on the adequacy of the existing system of product safety in the UK.

The Committee found that progress on improving the safety of electrical goods has been painfully slow, despite a widely-supported set of recommendations made by Lynn Faulds Wood’s independent review, published nearly two years ago.

The Committee expressed concern that there appears to be a significant risk associated with plastic-backed fridge freezers, based on the number of fires associated with them and on testing that demonstrates their flammability. The Committee believes that manufacturers should act now to use safer materials in advance of regulatory changes and that these products should be properly marked so that they can be identified following a fire.

Finally the Committee recommended that due to the fragmented nature of the existing system and the slow pace of change, the Government should carry out and publish a cost benefit analysis of the options for reallocating and concentrating existing resources, both centrally and locally, with a view to combining into a single national policy product safety agency.

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

TW24 SAFETY OF LASER POINTERS

The Committee received a report on the response provided nationally to the safety issues which concern laser pointers.

The misuse of laser pointers reported in the press has caused public concern over the safety of these devices.

The Government issued a Call for Evidence in August 2017 on the market for laser pointers and how they are used.

High strength laser pointers, those with a strength of more than 5mW are easy to make, obtain and use. Shining a laser pointer can be fun and many users have good intentions. However, the Government is concerned that, in recent years, there

have been an increased number of reported incidents of the deliberate misuse of laser pointers with consequences which could have been fatal, examples include shining laser beams into the cockpits of aircraft as they take off and land and young children suffering permanent eye damage as the result of having beams from 'toy' pointers shone directly into their eyes.

The Government pledged additional support to local authority ports and borders teams to stop high-powered laser pointers entering the UK. This includes supporting local authority teams to carry out increase checks at the border, including testing products to ensure they are safe. The support will also ensure local authority teams have access to the necessary scientific, technical and testing expertise.

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

Chair.....