

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

**Thursday, 7 November 2019**

**PRESENT:** Councillor K Dodds (Chair)

Councillors: J Fletcher, T Graham, I Patterson, C Burdis, Stirling,  
S Graham, S Dean, J Blackburn, A Wilson, LWright and  
M Lowson

**TW12 APOLOGIES FOR ABSENCE**

Apologies for absence were received from the following:

Councillor Kemp	Newcastle City Council
Councillor Lower	Newcastle City Council
Councillor Waller	Sunderland City Council
Councillor Johnson	North Tyneside Council
Councillor Dixon	South Tyneside Council
Councillor Foy	Gateshead Council

RESOLVED - That the apologies be noted.

**TW13 MINUTES**

RESOLVED - That the minutes of the meeting held on 27 June 2019 be approved.

The Chair advised that the House of Commons Petitions Committee had produced a report about the number of fireworks petitions which have been submitted to Government. It was agreed this would be circulated to members following the Committee.

The Chair also advised that he had received the latest statistics from the Tyne and Wear Fire and Rescue Authority which reported issues around fires on the recent bonfire period. He advised the Committee that this would also be circulated.

**TW14 REPORT AND STATISTICAL RETURN FOR THE QUARTER ENDING SEPTEMBER 2019**

The Joint Committee received an update report on the work of the Metrology Laboratory for the period ending September 2019.

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

**TW15 PROJECTED OUTTURN AS AT 30 SEPTEMBER 2019**

The Committee received a report on the projected outturn at end of September 2019. It is anticipated that there should be an indication of the final figures at the

February meeting.

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

**TW16**

## **REGULATION OF PROPERTY AGENTS WORKING GROUP FINAL REPORT JULY 2019**

The Committee received a report on the publication of the Final Report on the Regulation of Property Agents Working Group in July 2019.

In October 2018 the Minister for Housing and Homelessness announced that a working group would be established to help Government develop the details of its proposal for a new approach to the regulation of property agents.

The working group under the leadership of the Chair, Lord Best, began meeting in November 2018 and formally met a total of eight times. They have also conducted four sub-group sessions. For each of these they invited oral and written representations from a wide range of stakeholders.

The Government has proposed that property agents be regulated by an independent regulator, with mandatory qualifications and a code of practice. The Best Working Group in its final report published in July 2019 agreed that a new approach is needed. Regulation will provide the opportunity to prevent bad practice and drive cultural change within the industry. The approach is in several parts, including proposals for:

- The scope of a new system of regulation
- A new licensing regime
- A framework for codes of practice
- Mandatory qualifications
- Transparency and the use of leasehold and freehold charges
- The set-up, functions and relationships of a new regulator
- Assurance and enforcement under the new system

The Best Working Group recommends that the new regulator should have a range of options for enforcement action according to the seriousness of the infringement and how regularly it has occurred. These options should range from agreeing remedial actions and issuing warnings up to the revocation of licences and prosecutions for unlicensed practice.

The new regulator and other bodies (such as trading standards and redress schemes) will need to share information and work together effectively. There should be a system of flexible working between the new regulator and trading standards teams, and the new regulator should set out guidance clarifying their own and trading standards' roles with regards to enforcement action to avoid duplication.

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

## **TW17 UPDATE ON RESPONSE TO ROGUE DOOR TO DOOR FISH SELLERS**

The Committee received an update report on the regional response to the important issue of Rogue Door to Door Fish Sellers.

One of the most identifiable issues related to doorstep crime for Trading Standards, Environmental Health and the Police is the illegal activities of certain rogue individuals, going door to door targeting the most vulnerable and selling quantities of fish. The customer does not always know how the fish have been stored and whether they are safe to eat. These businesses commonly use non-refrigerated vans and there could well be issues with labelling, quality and descriptions of the fish. There have been concerns that the traders may pressurise residents to buy more than they actually need.

In April 2019 at Teesside Crown Court, a fish salesman who used high-pressure sales techniques to dump bags of smelly seafood on elderly customers was sent to prison. He preyed on the elderly and the vulnerable to sell them “excessive quantities of fish” enough to fill a 6ft freezer in one case. Customers felt upset, embarrassed, ripped off and anxious and were blaming themselves.

Victims of a dodgy fish salesman who dumped bags of smelly seafood on elderly customers are to be given compensation.

Another fish seller appeared in Newcastle County Court having travelled the country selling fish door to door using a variety of business names would pass off frozen fish as fresh, deliver excessive quantities of fish before charging an extortionately high price, operate an erratic pricing structure to exploit victims’ vulnerability, obtain higher payments through a card machine without consumers realising by obscuring the total or tilting the card machine away from the customer.

He was sentenced to a 20 week custodial sentence, suspended for 18 months, at Newcastle Crown Court and ordered to pay £2,624.70 in compensation which will cover the monies lost by all seven victims involved in the case. He has also been issued with a criminal behaviour order that prohibits him from selling fish and making unsolicited calls at peoples’ homes for the next five years and will have to complete 180 hours of unpaid work.

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

## **TW18 NICOTINE INHALING PRODUCTS**

The Committee received an update on a follow up project supported by the Department of Health and Social Care (DHSC), delivered and managed by Chartered Trading Standards Institute (CTSI). Its’ purpose is to assess compliance with the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015.

The Regulations came into force on 1 October 2015 and created a new offence for the supply of a nicotine inhaling product (including E cigarettes and associated products) such as refills that contain nicotine) to a young person under the age of 18

years.

The DHSC has agreed to support each trading standards region in the conduct of a total 50 test purchase attempts – 450 across England.

Officers will prioritise businesses that had made illegal sales in the recent past. Regional coordinators have allocated the tests namely 7 per local authority. Any “spares” will be offered to other regions on first come first served basis. Financial support is available at £40 per test. There is no additional funding for the purchase of products. It is acknowledged that the fee does not reflect the complexity of the operation. However, it is a contribution towards the costs.

Tests will be carried out using a young person under the age of 18 years, preferably aged between 16 and 17 years. In most cases it is expected that the test purchaser will be able to either select the product themselves or request it by point to a product or they can, for example, ask “what can I buy for £10”. If the retailer offers the young person, the opportunity to try the products this will be refused.

The tests will be carried out between October and December 2019 and regional collated data is to be returned to the CTSI by 17 January 2020.

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

**TW19**

#### **RESPONSE ON THE CONSULTATION OF THE POST IMPLEMENTATION REVIEW OF TOBACCO LEGISLATION**

The Committee received a report on the regional response provided to the Department of Health and Social Care’s consultation on the Post Implementation Review of Tobacco Legislation.

The consultation asked a number of questions in relation to The Tobacco Advertising and Promotion (Display) (England) Regulations 2010.

The questions were around whether the regulations had encouraged people to quit smoking, whether they had discouraged young people from taking up smoking and whether it has encouraged and supported adults to quit smoking.

The regional response has been positive about the impact of the regulations and it is felt that they have contributed to a reduction in smoking and the uptake of smoking in children and young adults.

The primary gain from implementation of this regulation is that it is clear to whom the products can be sold, that is over 18s. It is a good start to the development of a more effective regulatory framework for nicotine which needs to be place within the broader context of encouraging smokers to quit using tobacco products.

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

**TW20 EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED - That the press and public be excluded from the meeting during consideration of the next item in accordance with Paragraph 3 of Schedule 12A of the Local Government Act 1972.

**TW21 METROLOGY LABORATORY UPDATE**

The Committee received a report on the current position with the progress of the business plan.

The preferred option for moving things forward with the business plan is to create another UKAS mass lab in place of the current chemical lab. Currently there are officers skilled up to carry out the calibration work, however, the current space and set up can create a bottle neck of work. A better use of space would allow capacity to be increase and ensure a quicker turnaround time for the clients, this should in turn increase revenue generated.

Gateshead Council's Design Service have been consulted and will provide a quote for this work. It may be possible that Gateshead Council could have access to capital funding which would contribute towards the cost of some of the building work and a meeting has been arranged to discuss this further with legal services.

The laboratory has also undergone some internal inspections by Gateshead Council in relation to routine monitoring for health and safety. The majority of the work needs to be done in the laboratories which will be converted so it would be more convenient and more cost effective if this work was progressed with the conversion.

There is some substantial work which is needed to bring the laboratory into compliance. Officers will explore whether capital funding or grant money can be obtained to contribute towards the overall cost.

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

**Chair.....**