

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

**13 February 2020**

## **Local Authority Update 2020**

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### **Purpose of the report**

To update the Committee on the work of your local authority Trading Standards services over the last year.

### **Gateshead**

#### **Enforcement Order**

1. The Service was successful in obtaining an Enforcement Order under the Enterprise Act 2002 in respect of a rogue business. The business agreed to carry out home improvement work over a period of time to residents across the region. He demanded payment upfront before any work would start or goods delivered. Clients paid the full amount due to feeling intimidated or pressured to do so. It is estimated that the consumers involved have lost in the region of £300,000.
2. Fortunately, the Court agreed that this business must be made to stop trading in this way. It was agreed at North Tyneside County Court in October 2019 that the business would be bound by an order of the Court. Further breaches are now being investigated and could see him fined or even imprisoned for the breach. There's an ongoing criminal investigation into the trading practices of this business. This is one of the first times that trading standards have used their civil powers in order to obtain an enforcement order without carrying out full consultation with the business beforehand.

#### **Illegal Tobacco Products**

3. There is ongoing work in relation to illegal tobacco sellers. More focus is on the retail outlets rather than tab houses. 2 closure notices have been in force at premises on Coatsworth Road where continuing antisocial behaviour was linked to the premises. These were closed by the authority for 3 months during which time, one premises surrendered their alcohol licence. The lottery terminal was also removed by Camelot following an underage sale of alcohol and the link with the illegal tobacco sales.
4. As an alternative to prosecution a tab house seller has signed an undertaking under the Enterprise Act 2002 to refrain from that behaviour in the future. They also paid £100 to Teenage Cancer Trust – a charity supported by the Gateshead Mayor. The decision not to prosecute was made due to the personal circumstances of the individual concerned and whether a prosecution in that case would fit with the Council's Thrive Agenda and our enforcement policy.

5. The tobacco enforcement work has seen just under 37,000 sticks and 7,850kg of hand rolling tobacco seized across Gateshead since April 2019.
6. A review of a premises licences saw the licence revoked by the Licensing Sub Committee where the Designated Premises Supervisor was found to be selling illegal tobacco on the premises.

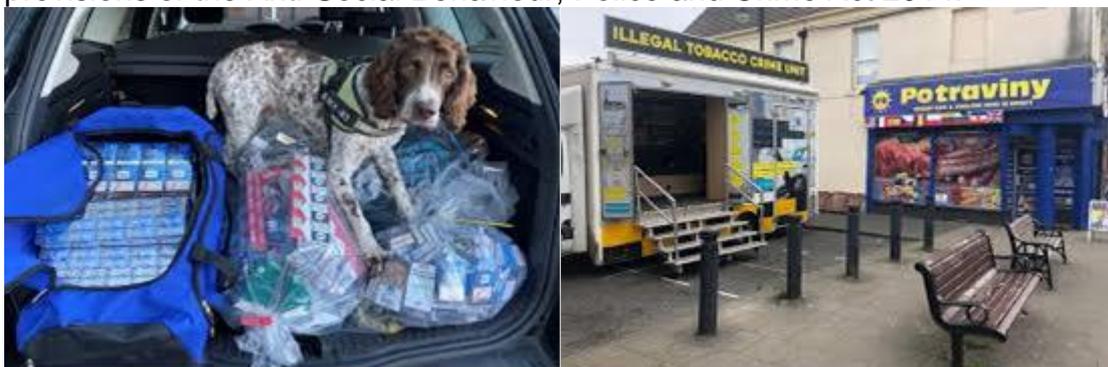
### **Proceeds of Crime Work**

7. Proceeds of crime work has continued with cash being detained and ongoing confiscation orders amounting to the region of £5000.

### **City of Newcastle upon Tyne**

#### **Illegal Tobacco Products**

8. Work continues in support of the local tobacco alliance Smoke Free Newcastle and the regional tobacco office Fresh campaign “Keep It Out” to deliver on various enforcement targets related to the availability and supply of tobacco products. These targets include the advertising, marketing and sale of tobacco products. The one issue that has very much come to the fore, is the availability and sale of illegal tobacco products within some 15-20 premises spread across the city.
6. Officers continue to tackle the issue with targeted intelligence led raids, with the assistance of officers from Northumbria Police, HMRC and a tobacco dog team. These operations have led to the seizure of some 690,000 suspected illegal cigarettes and 84.5 KG’s of suspected hand rolling tobacco products in 2019. These seizures follow the seizure of some 806,000 suspected illegal cigarettes and 19 KG’s of suspected hand rolling tobacco products in 2018.
7. Beyond the prosecution and convictions of the individuals involved, officers have also utilised the reviews of various Premises Licences under the provisions of the Licensing Act 2003 and the formal closure of a problematic premises under the provisions of the Anti-Social Behaviour, Police and Crime Act 2014.



## Minimum Energy Efficiency Standards

8. The authority was invited to take part with some 7 other local authorities, including Liverpool and Bristol in a pilot project for the Department for Business, Energy and Industrial Strategy around the enforcement of the legislation which impacts on the energy rating of both domestic and non-domestic premises and the provision of Energy Performance Certificates.
9. Minimum Energy Efficiency Standards (MEES) were introduced in 2011 and the legislation prohibits landlords from renting out F and G rated properties. Phase one of MEES came into force on the 1 April 2018. From April 2020 all existing tenancies will be held to the same legislative standard.
10. The legislation was introduced to improve the quality of private rented buildings in England and Wales and to increase the energy efficiency of the worst performing houses and buildings. In addition, the legislation aims to improve the comfort and conditions in private rented homes and reduce fuel poverty.
11. Similar requirements for the renting out of non-domestic buildings came into force on the 1 April 2018 for new lets and will be fully in force on the 1 April 2023, when all F and G rated properties will no longer be able to be rented out.
12. Some 45 visits have been undertaken by officers in January 2020 to letting agents within Newcastle to ensure full compliance with the various legislative requirements that are applicable to such businesses.
13. All this enforcement work supports the work to improve the standards of all housing in the city and fully supports the declaration of a Climate Emergency on the 3 April 2019, to make Newcastle carbon neutral by 2030.

## Private Rented Sector

14. Officers in our Service continue to monitor the implementation of several legislative provisions which directly impact on our businesses and provide various protections to our residents in our very active private rented sector. We have responded to various complaints as received and promoted the legislative provisions with students at a Newcastle University Students Union event held in November 2019.
15. Some 45 visits have been undertaken by officers in January 2020 to letting agents within Newcastle to ensure full compliance with the various legislative requirements that are applicable to such businesses. It is pleasing to report that compliance levels within the sector are generally good.
16. These various legislative measures that we enforce include:
  - **Redress Schemes** - Businesses must join a redress scheme if they are:
    - an estate agent dealing with residential properties in the UK,
    - a letting agent or property manager in England or Wales,
    - If a consumer has a complaint about your service that cannot be resolved between yourselves, they can complain to the scheme.

Individuals and businesses can be fined up to £5000 and have their licence revoked if they do not join a redress scheme.

- **Tenancy Deposit Protection** - A landlord must put a deposit in government-backed tenancy deposit scheme (TDP) if they rent your home on an assured short-hold tenancy that started after 6 April 2007. In England and Wales, the deposit can be registered with one of three schemes. The schemes make sure that consumers get their deposit back if:
  - meet the terms of the tenancy agreement
  - don't damage the property
  - pay their rent and bills
  - The landlord must put the deposit in one of the schemes within 30 days of receiving it. At the end of the tenancy the landlord must return the deposit within 10 days of the agreement on how much the tenant will get back. If the tenant is in dispute with the landlord, then the deposit will be protected in the TDP scheme until the issue is sorted out.

### **Tenant Fees Act 2019**

17. The Tenant Fees Act 2019 sets out the approach to banning letting fees paid by tenants in the private rented sector and capping tenancy deposits in England. The Act came into force on the 1 June 2019.

18. The aim of the Act is to reduce the costs that tenants can face at the outset, and throughout, a tenancy, and is part of a wider package of measures aimed at rebalancing the relationship between tenants and landlords.

### **Scams and Doorstep Crime**

19. Following the work carried out in the city to protect all consumers including specifically the more vulnerable in our society a report on Scams and Doorstep Crime was presented to Cabinet on the 21 January 2019. The renewed emphasis in the work led to the following statement in the Newcastle Labour Party Manifesto in May 2019: *“Occasionally there are sickening stories in our local media highlighting the scams that have been carried out on vulnerable older people. We have already introduced a number of ‘no cold calling’ zones across Newcastle, where such scams are more likely to be tried, but we will continue to raise awareness about scams and pursue the perpetrators through Trading Standards” (2).*



*L-R Nicola Diston, (Newcastle CAB), Councillor Nick Kemp (Cabinet Member for the Environment and Regulatory Services) and Neil Duffy (Newcastle CAB) in the Grainger Market Event Space on the 11 June 2019 for Scams Awareness Month.*

20. The Trading Standards service has continued to deliver through various consultations with residents in 2020, on the implementation of new and expanded No Cold Calling Zones (NCCZ's) across the city. NCCZ's are set up aim to decrease doorstep crime incidents by specifying an area in which uninvited traders are not welcome. It can be a criminal offence for unwanted traders to come into the zone and the advice we offer provides residents the confidence to say 'no' when approached on their doorstep. We investigate why traders are operating within a NCCZ if they should not be. There are currently 65 NCCZ's implemented in Newcastle covering some 45,725 households.

## **North Tyneside**

### **Knife Test Purchase Operation**

21. In May 2019 a knife test purchase operation was conducted jointly with Northumbria Police. The main aim of the operation was to identify retailers of knives who may be selling knives to minors. It was pleasing to report that out of the ten premises only one of the retailers visited sold a knife to our volunteer.

22. This sale was dealt with by way of cautions to the seller and the owner of the business. Follow up work involves providing several retailers with advice on the steps they should implement to help prevent the sale of knives to minors.

### **Scam Health Supplements**

23. In July a complaint led to an investigation into a local fulfilment house who was supplying health supplements to consumers nationally on behalf of several companies. Consumers were being charged large sums for these supplements. For example, one consumer had been invoiced £249.50 for 8 bottles of cinnamon. Charging such extortionate prices for goods is not automatically an offence, but the investigation revealed consumers were being targeted and groomed into buying health supplements by several different companies over a period of time.

24. Following advice, the fulfilment house ceased dealing with these companies thus disrupting their activities. The service also worked jointly with the national scam team to obtain a list of approximately 150 victims who had sent money off so they could be contacted and advised not to send any further money to these scammers.

### **Medical Weighing Equipment Project**

25. In November the team, with support from the Tyne and Wear Metrology Laboratory, tested a sample of 23 weighing instruments used by North Tyneside Council's Children's Public Health Service (0-19). This was carried out as part of a national metrology project on medical weighing equipment used in places such as GP surgeries and hospitals.

26. The Children's Public Health Service includes health visitors, school nurses and community nursery nurses. Scales are used to monitor the development of babies and infants as well as weigh school children as part of the National Child Measurement Program.

27. One instrument was found to be outside the permitted tolerance and two other instruments had minor problems with them. The results of this exercise should provide confidence to North Tyneside parents that the equipment used by the Children's Public Health Service is accurate.

28. In April, as a follow-up to the testing, Trading Standards will provide refresher training on good weighing practice to members Children's Public Health Service (0-19).

### **South Tyneside**

#### **No Cold Calling Zones (NCCZ's)**

29. The Service is committed to protecting residents from being taken advantage of by rogue traders and from feeling pressurised on their doorsteps to make decisions that they may not otherwise make. A large part of their work is focused on prevention and establishing an NCCZ is central to this.

30. The sixteenth NCCZ in Hebburn, was launched recently with signage being erected in the vicinity of the properties to hopefully deter cold callers. Each resident receives an information pack which includes a useful sticker for their door.

31. Evaluation of each 'zone' is useful and has been extremely positive for example 96% of respondents have indicated the information pack made them feel more aware of doorstep crime and more confident in dealing with doorstep callers. Arguably the strongest measure is that 100% of respondents have indicated they feel safer since the introduction of the zones.

#### **Friends Against Scams**

32. The Council has recently registered with the National Trading Standards Scams Team as a 'Friends Against Scams Organisation.' This means that the Council is

committed to spreading the word about scam awareness amongst colleagues and residents with emphasis on reaching out to the most vulnerable in the borough.

33. Officers from the Service have been carrying out presentations to all Community Area Forum meetings and local groups, to highlight different types of scam, such as postal, telephone, email and text message as well as providing practical tips to combat doorstep crime. Those attending a presentation receive a certificate confirming that they are a 'Friend Against Scams.'

## **Fireworks**

34. Every year in the weeks preceding Bonfire Night, Trading Standards Services across Tyne and Wear receive complaints regarding the sale of fireworks. The allegations relate to fireworks being sold outside of the three-week period prior to November 5th, underage sales, illegal storage, including domestic dwellings, and the safety of the fireworks themselves.
35. In South Tyneside, every retailer selling fireworks is subject to visits by the Service in partnership with the Tyne and Wear Fire and Rescue Service. This partnership approach has proved successful in driving home the key messages around safe and responsible retailing of fireworks.
36. As part of the visit businesses will be given advice and guidance to ensure they comply with the law in respect of age restrictions, storage of fireworks, display of statutory notices, as well as examination of the fireworks to ensure they are labelled in accordance with the legal requirements.

## **City of Sunderland**

### **Launch of the Responsible Retailer scheme**

37. This is a scheme that feeds into the Council's strategic plan and is designed to help reduce the issues connected with smoking and drinking alcohol. It is primarily aimed at addressing underage sales of relevant products and a voluntary commitment towards addressing the types of goods stocked and the marketing tools used. The first wave of the scheme will be rolled out with smaller shops, newsagents, and off licences. Retailers who sign up will be given comprehensive guidance materials that will support their business management. The scheme will be publicised through several channels upon its launched and will have a dedicated Facebook presence to act as an additional support mechanism for scheme members.

### **Illegal Alcohol Products**

38. Several premises across the City have been found to be selling counterfeit yellowtail wine. The quantities found have not been significant in each case and the fake wine has consistently been found to be mixed in with the genuine article. The product hasn't been tested in relation to food safety requirements and there is no reason to suspect that this will be necessary. Enquiries are ongoing in each case and identification of the overall source of supply.

## **Test Purchasing**

39. A programme of test purchases of age-restricted products began in Autumn 2019 and will continue to run for the foreseeable future. The first operation resulted in the sale of alcohol to our 15-year-old volunteer at “Courtney News” in Silksworth. The premises licence holder, Mr. Jinni Varkey, himself was responsible for the sale and has subsequently had the licence revoked as a result of a review hearing made by the Service.

## **Recommendation**

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

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