

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

**Thursday, 13 February 2020**

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

Councillor(s): Councillor J Fletcher, T Graham, I Patterson,  
Councillor S Graham, S Dean, Councillor J Blackburn and  
Councillor Nick Kemp

**TW22 APOLOGIES FOR ABSENCE**

Apologies were received from:

Councillor M Foy – Gateshead Council  
Councillor T Dixon – South Tyneside Council  
Councillor P Lovatt – Newcastle City Council  
Councillor M Lowson – Newcastle City Council  
Councillor L Wright – Newcastle City Council  
Councillor A Wilson – Sunderland City Council  
Councillor D Waller – Sunderland City Council

**TW23 MINUTES**

The minutes of the meeting held on Thursday 7 November were agreed as a correct record.

**TW24 REPORT AND STATISTICAL RETURN FOR THE PERIOD ENDING JANUARY 2020**

The Committee received an update report on the work of the Metrology Laboratory for the period ending January 2020.

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

**TW25 REVENUE ESTIMATES 2020/21**

The Committee received the budget estimates for 2020/21. It has been assumed that the current increased income levels will be maintained. The Committee were advised that there was a small surplus projected which will be added to the current reserves.

It was noted that the contributions from the constituent authorities will remain the same as previous years.

It was queried how the formula was calculated for the constituent authority contributions and when the contribution figures were last updated. It was noted that the contributions were calculated by head of population. The Committee were advised that the timing of when the calculations were last looked at would be checked by officers and the information circulated to the Committee.

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

## **TW26 LOCAL AUTHORITY UPDATE 2020**

The committee received a report provide an update on work carried out by the Trading Standards services over the five authorities over the last year.

Gateshead Council have been successful in obtaining an Enforcement Order under the Enterprise Act 2002 in respect of a rogue business and are also undertaking work on a continuing basis around illegal tobacco products.

Newcastle City Council has also been continuing its work 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. The authority have also been invited to take part 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.

North Tyneside have been involved in Knife Test Purchase operations and investigating complaints around scam health supplements.

South Tyneside have been continuing with their commitment to No Cold Calling Zones and also have recently registered with the National Trading Standards Scams Team as a 'Friends Against Scams Organisation'. They have also been involved in fireworks related activity in line with all of the other authorities in advance of Bonfire Night.

Sunderland City have recently launched the Responsible Retailer Scheme and have found several premises across the city which have been selling counterfeit wine. They have also undertaken a programme of test purchases around age-restricted products.

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

## **TW27 HOUSE OF COMMONS PETITIONS COMMITTEE - FIREWORKS OCTOBER 2019**

The Committee received a report to provide an update on the publication by the House of Commons Petitions Committee.

The Committee were advised that fireworks have been a popular topic for e-petitions during the previous Parliament. Individuals and campaign groups used the e-petitions system to express a wide range of concerns, including noise from fireworks having serious detrimental effects on people and animals; misuse of fireworks and anti-social behaviour blighting local communities and environmental issues.

The Petitions Committee scheduled three debates in Parliament on petitions relating to fireworks that had each gained more than 100,000 signatures. In total, petitions calling for tighter restrictions on the sale and use of fireworks by the general public have attracted around 750,000 signatures in three years. Whilst the Government's responses to these petitions, and Ministers' replies to the debates, left petitioners feeling frustrated and ignored. The Committee undertook the inquiry to hear their concerns and propose changes in response to them.

The Committee looked closely at the proposal to ban sales and use of fireworks by the public but were not persuaded to recommend this drastic course of action at that time. There are valid concerns backed up by evidence from overseas that a ban could have unintended consequences. A ban would have a substantial economic effect, which would be most keenly felt by people who have built their livelihood on the fireworks industry. A ban would likely have dire consequences for competently run, voluntary, community displays, which use fireworks to raise funds for local good causes. In many cases these community displays have widespread local support and increase community cohesion.

However, the enquiry found clear evidence that petitions calling for greater restrictions on sales and use of fireworks have been motivated by justified concerns. In many cases, there are substantial adverse effects, for example on people with a very wide range of health conditions and disabilities. There can be very distressing effects on people with Post-traumatic Stress Disorder, including military veterans. Animals can suffer serious and long-term effects. The Committee took the view "that it is not good enough for the Government to repeatedly claim that the law protects these people and animals from harm. It does not. We now expect action, rather than continued apathy".

The Committee took the view that it is imperative that consumer fireworks are only sold to the public through legitimate retailers with the appropriate licences and by staff with the appropriate level of training to advise customers about safe and responsible use. Government is encouraged to act quickly to close a potential loophole in the regulations around storage by retailers of up to 5kg of fireworks, particularly over social media, with a view to establishing a national, cross-agency strategy to tackle illegal online sales before October 2020.

The Committee concluded that "Government has so far failed to act in response to legitimate concerns about fireworks expressed through the e-petitions system. People rightly expect the Government to listen to them, take their concerns seriously, and act. The Government's response to this Report is its chance to finally do that".

It was suggested that this Committee write to Catherine McKinnell to highlight the concerns of the Tyne and Wear authorities.

- RESOLVED - (i) That the information contained within the report be noted.  
(ii) That a letter be sent on behalf of this committee from the Chair to Catherine McKinnell outlining the concerns of the Committee on this issue.

## **TW28 KEEP IT OUT CAMPAIGN 2020 AND ILLEGAL TOBACCO ENFORCEMENT WORK**

The Committee received a report to provide an update on the recent launch of the Keep It Out Campaign and illegal tobacco enforcement activity undertaken by Trading Standards services in Tyne and Wear.

‘Keep It Out’ is a campaign that has ran for several years as a tool designed to target illegal tobacco supplies. It is developed and led by Fresh, an organisation based in County Durham whose remit is to deliver a variety of workstreams that seek to combat the high smoking related illness and death rate that is prevalent throughout the North East. All five Tyne and Wear authorities fund and support this work.

The latest wave of ‘Keep it Out’ was launched across the region on 20 January and is set to be the biggest yet. A widespread publicity campaign is currently being delivered, in conjunction with Trading Standards and other Council/public services that are engaged in local smoke-free partnerships.

The 2020 campaign is predominantly centred around the impact that illegal tobacco availability has on young people, the main headlines being:

- Illegal tobacco helps children to get hooked on smoking and thus continues the cycle of health-related issues currently seen.
- Children find out through their peer groups who is selling it in their locality and that it’s sold at prices they can afford. The regulatory controls in place for legitimate tobacco are rendered ineffective.
- Illegal sellers are unconcerned about who their market is. People wrongly believe that local sellers won’t sell to children. The facts are that they often do.
- The illegal tobacco trade is linked to criminals. Local suppliers are often involved in drugs and loan sharking. Buying it means supporting crime and can put the children in contact with criminals.

Promotional materials for ‘Keep It out’ take the form of drink mats, posters, retailer guides, public facing leaflets and a wallet guide for frontline professionals. Two versions of a radio advert will be heard for four week on three local stations – Hits North East (formerly Metro), Sun FM and Smooth. In all instances, a key concept is to educate and raise awareness of the negative effect this trade has on children.

All publicity material features the contact details for how the general public can anonymously report illegal tobacco sources. Information received through the campaign is collated by Fresh and an intelligence package is distributed to the

relevant Trading Standards Services for action.

The success of 'Keep It Out' relies heavily upon the cooperation of all partners engaged in smoke-free alliances for the distribution of publicity materials. As Trading Standards have a critical role in enforcement of illegal tobacco sales, an active role must be taken with promotion of the campaign to enable intelligence led working.

Leaflets and posters have been delivered to retail premises, community centres, GP surgeries and Council buildings. Drink mats have also been given to licenced pubs and clubs across the area. In some areas, Keep It Out posters are displayed in transport interchange stations, including Metro Stations in Gateshead and Sunderland.

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

**TW29**

**WHICH? POLICY PAPER: ONLINE MARKETPLACES AND PRODUCT SAFETY, NOVEMBER 2019**

The Committee received a report updating on a publication by Which? 'Online Marketplaces and Product Safety' in November 2019.

Research and testing by Which? regularly find large numbers of unsafe consumer products being sold via sellers on online marketplaces, ranging from smoke alarms to child car seats. Online marketplaces have become a common way for millions of shoppers to buy online from an expanding pool of global sellers: 9 in 10 (91%) of people have bought consumer goods this way. Consumers value the lower prices and wide choice that these marketplaces can offer, but it is the view taken by Which? that consumer protections have failed to keep pace and fall short of more traditional retailers.

Many people assume that online marketplaces are responsible for making sure that the products sold on their platforms are safe, removing unsafe products from sale and notifying customers when something goes wrong. But this is not the case – legally it is the sellers that consumers largely have to rely on to assure safety.

The survey carried out by Which? of online marketplace shoppers in September 2019, found that only 21% were aware that online marketplaces have no legal responsibility for overseeing product safety on their sites. Online marketplaces, which include Amazon Marketplace, Facebook, ebay and wish.com for example, are exempt from liability unless they are aware of illegal content. This leave consumer vulnerable, particularly when many of the sellers and product originate outside the UK. 70% of marketplace users think the law needs changing so that marketplaces are legally responsible.

Which? Takes the view that regulation is required to strengthen the legal responsibilities of online marketplaces and ensure that public authorities have adequate powers, tools and resources to require action from marketplaces when consumers are put at risk. The organisation also takes the view that the

voluntary nature of current checks by marketplaces fails to recognise their role as the primary interface for consumers with the technical, as well as commercial, ability to hold their suppliers to account for consumer safety.

Which? Takes the view that clearer government guidance is needed while this legislation is being drafted and implemented, in line with the Codes of Practice envisaged in the Online Harms White Paper.

Which? have identified the following actions which if feels are needed.

- Online marketplaces should be required to ensure that consumer products offered for sale by sellers on their sites are safe.
- The actions that are required by online marketplaces when unsafe products are identified should be clarified.
- Enforcement officers should be equipped with appropriate powers, resources, investigatory skills and intelligence to police online marketplaces and platforms and the supply networks that underpin them.
- There should be great transparency obligations so that consumers are clear who they are buying from.

UK Law should place a requirement on online marketplace to make it clear to people whether they are buying from a trader, rather than another consumer, and implement recently adopted EU law that requires this after EU exit.

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

**Chair.....**