

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

Thursday, 4 March 2021

PRESENT: Councillor K Dodds (Chair)

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

TW37 APOLOGIES FOR ABSENCE

Apologies for absence were received from:

Councillor M Foy – Gateshead Council
Councillor C Burdis – North Tyneside Council
Councillor T Dixon – South Tyneside Council
Councillor J Perry – South Tyneside Council

RESOLVED – That the apologies be noted.

TW38 MINUTES

RESOLVED - That the minutes of the meeting held on 17 September 2020 were agreed as a correct record subject to it being noted that Councillor Dean was in attendance.

TW39 REVENUE ESTIMATES 2021/22

The Committee received a report on the revenue estimates for 2021/22.

The budget set for 20/21 was £367,042, the project outturn for 20/21 is £325,855.
The budget set for 2021/22 is £375,972.

It is expected that there will be a trading surplus in 2020/21 due to a vacant post and reduced activity.

The salary estimates include a pay increase of 2.75% and it has also been assumed when setting the 2021/22 budget income levels will return to pre-covid figures. It is proposed that the contribution from partner authorities increase in line with the pay awards. It was also noted that any reserves will be held to provide a financial buffer to allow for the development of building.

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

TW40

REPORT AND STATISTICAL RETURN FOR THE PERIOD TO FEBRUARY 2021

The Committee received an update report on the work of Metrology Laboratory. The laboratory has continued its work during the Covid-19 Pandemic and has not lost any time or productivity. Social distancing was maintained and full risk assessments applied along with modified practices to achieve this aim. There were not the opportunities to work from home and all staff have been working through the pandemic at the laboratory which is a credit to their dedication and professionalism.

Submissions to the laboratory have not reduced in quantity in comparison to this time last year as a predominance of the laboratory's clients are in the pharmaceutical and food production industries. Submissions in January 2021 were up by 474 with a total of 918 submissions this year.

Aid and advice to industry has continued, there has been no EC verifications since 1 January 2021 following Brexit being finalised. The UK government has transferred us to an Approved Body for the purposes of attesting to UKCA requirements.

UKAS calibrations have continued and the laboratory has worked tirelessly during an extremely difficult period. The laboratory underwent its annual audit by UKAS in February 2021, this audit was conducted remotely and all materials sent to the auditing team in advance.

As with previous reports the laboratory has been appointed by Office of Product Safety and Standards at the product safety laboratory and sample hub for the North East, Yorkshire and Humberside regions and as such have been organising the testing of products on behalf of the Local Authorities that we represent.

The laboratory has also decided to restrict the amount of plastic inoled in providing the calibration and testing certificates to clients. The amount of paper used has also been reduced as auditing by UKAS has been conducted remotely so the paper trail is currently electronic and this will continue.

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

TW41

GOVERNMENT ANNOUNCEMENT: BUY-NOW-PAY-LATER PRODUCTS TO BE REGULATED

The Committee received a report on the Government announcement that Buy-Now-Pay-Later schemes are to be regulated.

A review was undertaken of the unsecured credit market, led by Christopher Woolard, this review has recommended that the interest free buy-now-pay-later be brought into FCA supervision.

Currently people can go into a shop and purchase an item / items on a buy now pay in three / six months, they can then go into another shop and do the same thing. These schemes aren't regulated and therefore credit checks are not carried out and could accrue a large amount of debt without realising how much they will owe. Following an independent review which found that whilst this was useful to manage

larger financial purchase it was causing some people to get into debt on an average of £1000. The new rules will require affordability checks and make sure customers are treated fairly to be undertaken and will also allow consumers who aren't happy to escalate any issues to the FSO.

RESOLVED - That the information contained within the report.

TW42 NEW NATIONAL REGULATOR FOR CONSTRUCTION PRODUCTS

The Committee were provided with a report to update on the Government announcement which took place on 19 January 2021 that a new national regulator to oversee the enforcement of the legislation related to construction products is to be established.

Residents will be protected through the establishment of a national regulator, which is suggested will ensure that materials used to build homes will be made safer.

The new regulator will have the power to remove any product from the market that presents a significant safety risk and prosecute any companies who flout the rules on product safety.

This follows recent testimony to the Grenfell Inquiry which shone a light on the alleged dishonest practice by some manufacturers of construction products including deliberate attempts to avoid the legislative requirements by allegedly not carrying out the requisite safety tests in the prescribed manner.

The regulator is seen as having strong enforcement powers including the ability to conduct its own product testing when investigating concerns. The announcement is seen as marking the next major step in the Government's overhaul of regulatory systems affecting construction.

The regulator will operate within the Office for Product Safety and Standards (OPSS) which will be expanded and given up to £10million in funding to establish the new function. It will work with the Building Safety Regulator and local authority Trading Standards services to encourage and enforce compliance.

The government has also commissioned an independent review to examine weaknesses in previous testing regimes for construction products, and to recommend how abuse of the testing system can be prevented.

RESOLVED - That the information presented in the report be noted.

TW43 TRADING STANDARDS AND COVID-19

The Committee received an update on the work of Trading Standards and Environmental Health during the Covid-19 pandemic.

Since March 2020 there have been and continue to be a number of rapid and far reaching changes in legislative regimes, which have been imposed by Central Government and as always local authorities have progressed through responding

and dealing with the pandemic. Basically there have and continued to be legislative changes which have been imposed, at often quite short notice for local authority officers to interpret then enforce.

The level and type of specific complaints/enquiries has changed throughout this period. Local Authority Regulatory Services have come together and continue to deal with complaints on specific businesses that should be closed either on permitted timing restrictions or because they have been placed within the legislation without any exemptions to be permitted to be open through to complaints/enquiries on those businesses that were permitted to be open at the time but were not following the guidance in terms of either managing staff and customers with the wearing of face masks if required and social distancing.

Local authorities throughout the legislative changes that have taken place, continue to utilise a range of enforcement tools in line with our Enforcement policies and national guidance. Joint visits by EHOs and TSOs with Northumbria Police Officers were also carried out and where appropriate the service of Prohibition Notices, Direction Notices or Fixed Penalty Notices given to businesses found not to be compliant.

Services continue to deal comprehensively with many thousands of complaints and intelligence about non-compliant businesses from consumers and businesses and where deemed appropriate the range of enforcement tools continue to be employed to ensure compliance in the over-riding interests of public health and safety.

It is important to remember that although a great deal of prioritisation has been given and continues to be given to this very important regulatory work, officers have continued to engage with the other important deliver of the wide range of services which is very much an expectation of consumers, businesses and members and also those Government agencies and organisations that we all report to.

A table has been established to categorise priorities as there has been a recognition that there is a need to support priorities, whilst statutory duties will need to continue to be met across all activities in some areas government has introduced changes to reduce burdens or streamline activity.

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

TW44 COVID-19 SCAMS

A report was presented to the Committee to provide an update on Covid scams which have been reported to Trading Standards.

Scammers and fraudsters have thrived during the pandemic due to having a captive audience. They are operated by criminals with the sole purpose of identifying and exploiting often vulnerable, elderly and mentally impaired people. Most scams will be an attempt to steal or trick someone into revealing personal information.

During the Covid 19 pandemic scammers have developed new scams to meet the new environment. Scam levels continue to rise and are being widely reported

across the UK. Over the course of the pandemic the physical and mental challenges we have faced can make some of us quite vulnerable.

Scammers have been posing as workers from the NHS Test and Trace service have made calls asking for payment for coronavirus tests. Those being called are told that they have been in contact with someone who has tested positive for Covid-19 and are then told they must purchase a test over the phone. Residents are then asked for bank details and the cost of the test being £500.

Residents across the country have reported being targeted by email fraudsters. The email, which purports to be from the NHS tells the recipient they have been selected to receive the coronavirus vaccine from the health service. It asks the recipient to click on a link inside the email which is part of a phishing scam. The link then takes you to another website which asks for financial details to pay for the vaccine.

There have also been doorstep scams, fake pet sales, fake grants, fake mask exemption badges and a tv licence scam.

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

TW45

PENROSE REPORT "POWER TO THE PEOPLE" - STRONGER CONSUMER CHOICE AND COMPETITION

The Committee received an update on the Government Publication on the 16 February 2021 of the Penrose Report entitled "Power to the People – Stronger Consumer Choice and Competition".

The report was commissioned by the Chancellor in September 2020, John Penrose MP was asked to write an independent report on how the UK's approach to competition and consumer issues could be improved in future following the impact of Coronavirus and Brexit.

The Report recognises that Local Authority and Trading Standards Services have an essential role in investigating and enforcing local scams and other consumer problems which are too small to warrant a full-scale investigation by CMA or a sector regulator.

The key recommendation is "We should create a new statutory duty for minimum standards in LATS, including powers to mount antitrust and consumer investigations, and provide ring-fenced resources so they can deliver them well. The new statutory duty should define the outcomes which have to be more local control and creativity. This will also allow LATS to decide whether and how to join forces with their neighbours to tackle regional scams and cartels in the same way as police forces pool resources in Regional Organised Crime Units at the moment".

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

Chair.....