

GATESHEAD METROPOLITAN BOROUGH COUNCIL
TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE

Thursday, 14 November 2023

PRESENT: Councillors: C Buckley, P Lovatt, S Graham, J O'Shea, A Best, S Dean, J Keegan, J Fletcher, J Heron and T Dodds

APOLOGIES: Councillors: K Dodds, T Graham, I Patterson, L Wright, M Lawson, J Hunter, T Mulvenna, A Lamonte, C Rowntree, and P Walker

TW87 APPOINTMENT OF CHAIR

RESOLVED - That Councillor Kevin Dodds (Gateshead Council) be appointed as Chair for the 2023/24 Municipal Year.

TW88 APPOINTMENT OF VICE-CHAIR

RESOLVED - That Councillor Jill Fletcher (Sunderland City Council) be appointed as Vice-Chair for the 2023/24 Municipal Year. Councillor Fletcher took the chair for the meeting in the absence of Councillor Dodds.

TW89 MINUTES

RESOLVED - (i) That the Minutes of the meeting held on 2 March 2023 be approved as a correct record.

(ii) That the notes of the inquorate meeting held on 13 July 2023 be noted.

TW90 2023/24 ESTIMATED OUTTURN

A report on the estimated outturn for the 2023/24 financial year was submitted.

RESOLVED - That the information be noted.

TW91 JOINT METROLOGY LABORATORY REPORT – NOVEMBER 2023

The laboratory was operating at full-strength with six full-time staff to assist officers from the five authorities. Relevant training courses have been identified and attended as outlined.

The submission totals for the first three-quarters of 2023 compared to the same period in 2022 were provided. Whilst 2022 was a record year for submissions, 2023 was already 600 submissions higher.

The building refurbishment, including a full electrical re-wire, was to begin this year and be completed by March 2024. The building will remain operational during the work.

The laboratory had hosted several training courses for Trading Standards Officers and trainees in the last six months. The laboratory aimed to become a hub for Trading Standards apprentices and have a permanent training room for qualified Trading Standards Officers for refresher training.

The laboratory had booked the weighbridge test unit for a week in November with each of the five authorities having the unit for a day.

The Public Weighbridge continued to be utilised by local industry and other road users.

Annual submissions for the UKAS Calibrations had increased again. The laboratory's annual UKAS audit was due in January 2024.

Halloween costumes were submitted for flammability testing in October and the majority passed. There was concern about several face mask failures. Follow-up action by Gateshead and North Tyneside led to the products being removed from sale.

The laboratory managed the Office for Product Safety and Standards (OPSS) safety sampling 2023/24 budget for the North-East and Yorkshire to primarily test products manufactured or directly imported into the region.

RESOLVED - That the information be noted.

TW92

UPDATE ON ILLICIT TOBACCO PREMISES CLOSURE ORDERS

The illegal tobacco trade undermined the policy of increasing tobacco prices to encourage smokers to quit and discourage young people. In recent years smoking rates have reduced to their lowest level yet.

Illegal tobacco was available from a range of sources in some local communities and was often part of organised criminal activity.

Tackling illicit tobacco sales remained a major challenge for trading standards services with 188,548 cigarettes and 114.35kg of hand rolling tobacco seized across the region between July - October 2023.

Historically, pursuing prosecutions for supplying illicit tobacco from retail premises had been ineffective. Recently, closure orders under the Anti-Social Behaviour, Crime and Policing Act 2014 granted against retail premises for the sale of illicit tobacco had been very effective. In Gateshead, 16 closure orders had been made against retailers in the last 12 months.

RESOLVED - That the information be noted.

TW93

UPDATE ON THE DIGITAL MARKETS, COMPETITION AND CONSUMERS BILL

The Government, on 25 April 2023, announced the proposed Digital Markets, Competition and Consumers Bill to promote UK economy growth by ensuring free and vigorous competition amongst businesses online and on the high street. It will also strengthen the Competition and Market Authority's (CMA) powers.

The CMA had taken enforcement action against those using unfair practices to dupe people into handing over their money. The new rules will empower the CMA to decide when consumer law had been broken rather than taking each case to Court and allow the CMA to fine businesses breaking the law up to 10% of their global turnover.

People and businesses benefitted from vibrant, competitive digital markets offering the latest products and services. The Bill's new, targeted regime for the digital age, overseen by the CMA's Digital Markets Unit will use a proportionate approach to hold digital firms accountable for their actions. It will prevent firms with Strategic Market Status from limiting digital innovation or market access and ensure the UK remained a highly attractive place to invest and do business.

The CMA will be able to conduct faster and more flexible competition investigations to identify and stop unlawful anticompetitive conduct quicker. Changes to the competition framework will make it easier for the CMA to act against mergers which harm UK consumers and businesses.

The Chartered Trading Standards Institute (CTSI) has been involved in policy work around the Bill and submitted amendments as outlined regarding the role and responsibilities of Trading Standards officers.

RESOLVED - That the information be noted.

TW94

OFFICE FOR PRODUCT SAFETY AND STANDARDS (OPSS) SECTION 70 REPORT 2022/23

Section 70 of the Weights and Measures Act 1985 required all UK local weights and measures authorities to provide data to the OPSS on weights and measures compliance checks in their areas and the OPSS recently published its annual report.

The CTSI raised concerns that retailers had the second-lowest rate of weights and measures compliance.

Medical institutions were among those least visited with the rate of compliance for medical measuring equipment falling from 94% to 82%.

14% of Trading Standards respondents said the cost of living crisis made legal metrology a key concern.

The CTSI welcomed the 91% increase in officers studying the CTSI legal metrology module with 112 in 2022/23.

The number of UK legal metrology officers fell by 26% and legal metrology work carried out in local authorities by 34% since 2012/13. The CTSI considered that further investment into legal metrology was needed so that more weights and measures work can be carried out.

Greater strategic co-ordination and resourcing should be applied so that local and central Government elements can work effectively together to create a safe and fair environment for the public.

RESOLVED - That the information be noted.

TW95

OPSS GOVERNMENT ONLINE MARKETPLACE PRODUCT TESTING

The OPSS tested 2,260 products between October 2021 - September 2022 and 81% failed product safety testing. The highest rate of non-compliance was toys and small mains powered electricals. Other areas of concern were button batteries, PPE, cosmetics, chainsaw discs and magnetic toys. The CTSI was concerned about the high non-compliance rate with unsafe goods posing serious risks to consumers.

The Government should act to stop unsafe products entering the supply chains and online marketplaces. Also online marketplaces should make more rigorous checks across their platforms. The CTSI was working with industry and product safety stakeholders to examine whether the current regulations and processes were enough.

Product standards were vital for maintaining a fair and safe UK economy and ensuring products were safe for children and adults.

The capacity of Trading Standards services was stretched as far as possible and the data published by the OPSS demonstrated the need for further investment into these services so that the UK did not become a dumping ground for unsafe products sold online.

RESOLVED - That the information be noted.