

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

Thursday, 24 November 2016

PRESENT: Councillor K Dodds (Chair)

Councillors: Councillor J Fletcher, M Foy,
Councillor Nick Kemp, Councillor S Lambert,
Councillor M Lawson, Councillor D Huddart,
Councillor S Graham, Councillor J O'Shea,
Councillor A West, Councillor J Perry,
Councillor J Blackburn and Councillor A Wilson

APOLOGIES: Councillors T Graham, D Duggan, Councillor A Ellison and
Councillor M Mordey

TW19 MINUTES

RESOLVED - That the minutes of the meeting held on Thursday 22
September be agreed as a correct record.

**TW20 REPORT AND STATISTICAL RETURN FOR THE QUARTER ENDING
SEPTEMBER 2016**

The Committee received an update report on the current work of the Metrology
Laboratory and the statistical return for the Quarter ending September 2016.

The laboratory continues to support the officers of the 5 Tyne and Wear Local
Authorities. Northumberland have now been added to the Gateshead Verifications
process and Gateshead are doing the stamps until the Northumberland officers are
fully trained.

The laboratory has been working with Hartlepool Council, testing Halloween
Costumes and swimming aids. The laboratory manager did a piece from Crime-
watch on a case where illicit cigarettes had been the cause of a fire in Lincolnshire.

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

TW21 NATIONAL CONSUMER WEEK

A report was presented to the Committee to provide an update on the theme for
National Consumer Week. This year's consumer week theme is 'Switched On' and
is about getting consumers switched on to their statutory rights and product safety

when buying electrical goods. The annual campaign is a little later this year to take in the two pre-Christmas sprees – Black Friday and Cyber Monday.

Trading standards information data bases have identified a large number of problems with electrical goods. This sector was found to be one of the most complained about sectors by consumers.

Both consumers and retailers are not always clear on who is responsible for providing redress, with retailers incorrectly referring consumers to manufacturers, and the incorrect remedy being offered.

The government has announced new measure to tackle the recent serious problems with white goods, in particular fires caused by faulty tumble dryers. They are bringing together experts to examine how to prevent these incidents but also better ways of dealing with problems when they occur.

Various events to support National Consumer Week will be taking place throughout Tyne and Wear. The Tyne and Wear Laboratory is arranging to work with the constituent authorities in testing appliances and promoting rights of consumers who have purchased faulty goods. Pocket brochures are being distributed to local businesses. The brochures aim to make businesses aware of their legal obligations in relation to electrical safety. Newcastle Trading Standards are working with partner organisations, Citizen Advice Bureau and Tyne and Wear Fire and Rescue Service, to discuss all related electrical safety issues with consumers.

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

TW22 UPDATE ON THE INVOLVEMENT OF TRADING STANDARDS WITH ENVIRONMENTAL ISSUES

The Committee received a report to update them on two proposals to bring in new legislative controls which aim to control two areas of concern.

Microbeads in cosmetics and personal care products, microbeads are round particles of plastic used in cosmetic products as mild exfoliants to help remove dry cells from the surface of the skin or as mild abrasives to help polish the teeth. Microbeads are most likely to be found in soaps, facial scrubs, exfoliating body washes and toothpastes.

It is reported that tens of trillions of microbeads are thought to have been washed down bathroom plugholes into the oceans, harming the health of wildlife and possibly humans. Toxic pollutants like pesticides bind to microbeads and they end up being consumed by shellfish and plankton before heading up the food chain.

The beads are flushed into rivers and seas by the trillion, causing havoc to marine life and can make their way into the human food chain. MPs have warned that a single shower can release 100,000 microbeads into the ocean, and called for them to be banned from bathroom products.

A consultation will launch with the intention to ban the sale and manufacture of cosmetics and personal care products containing microbeads that harm the marine environment.

Twenty-five UK cosmetics and toiletries companies, such as Unilever, have already taken steps to voluntarily phase out microbeads from their products. Waitrose have announced they will stop stocking such products by the end of September.

UK Water companies have written to the Chartered Trading Standards Institute in respect of alleged misleading packaging of wet wipes and other sanitary products that claim they are 'flushable'.

Water UK, have said the so-called 'flushable' products cause misery to millions of people around the world by blocking sewers and contributing to floods in their homes and wider environment. A global statement has now been signed by over 247 companies in over 18 countries outlining the water industry's current position regarding flushable labelled products. The international statement recommends that consumers must be given clear and unambiguous information about appropriate disposal methods of products.

In the UK alone, water companies estimate it costs £88 million a year to unblock sewers, and more than half of blockages are exacerbated by wipes and hygiene products. This does not include the human and environmental impact and cost.

It was suggested that as Local Authorities we should be asking our procurement teams to check specifications in terms of the products which are being purchased.

RESOLVED - That the information in the report be noted.

TW23

UPDATE ON THE REVIEW ON PRODUCT SAFETY RECALLS

An update report was submitted to the Committee following a report which was previously submitted to the June Committee. The report was provided to update the Committee on the latest developments regarding the issue of product safety recalls.

In March 2015 the Coalition Government announced that Broadcaster and leading consumer campaigner Lynn Faulds Wood would lead a review of the UK's system for the recall of unsafe products.

The then Government recognised that the UK has robust legislation covering product safety, however, recalls are often complex and it can be difficult to trace the customer – for example they may not have provided contact details when the product was purchased or moved house.

Recent YouGov research showed that just over a third of consumers currently register their appliances.

As part of the review an industry led steering group to take forward the recommendations and oversee progress of the actions. The Coalition Government

also committed to support a comprehensive review of guidance for business and enforcers.

It is hoped that this will make things easier in the future.

RESOLVED - That the information in the report be noted.

TW24 UPDATE ON THE SAFETY OF CHILDREN'S HALLOWEEN COSTUMES

A report was submitted to update the Committee on the latest developments with regards to the issue of product safety related to children's Halloween costumes. A previous report was presented to the Committee in November 2015.

Members were reminded of 31 October 2014 when the eight year old daughter of Claudia Winkleman was rushed to hospital after her Halloween costume caught fire.

In May 2015 the BBC aired a 'Watchdog' programme highlighting the tragedy of Claudia Winkleman and her daughter and Ms Winkleman spoke for the first time about the tragic incident in 2014 where her daughter's fancy dress costume went up in flames, leaving her badly burnt. The programme investigated what makes fires of this kind so devastating and then called for the rules on safety testing to be changed.

Business Minister Anna Soubry commissioned a sampling programme on the safety of Halloween costumes in October 2015 and which was co-ordinated on behalf of BEIS and the region by Newcastle City Council.

The report was published in February 2016, the technical manager for the Test House made the following comments on the collated results:

- Of the 309 samples received, 248 disguises passed the flammability tests of EN71-2 applied by the Test House, a pass rate of 80%.
- However, of those that did not pass the test, 14 costumes had a result that was too close to the prescribed limit so that the uncertainty of measurement meant that the Test House was unable to draw firm conclusions from the analysis and these were recorded as neither pass nor fail.
- A total of 47 costumes were recorded as failing to comply with EN71-2, either as a result of the absence of suitable warning, or owing to the rate of spread of fire. 10 of the failures were due to the absence of warning, and 37 were due to rate of spread. These are differentiated between those as technical and unacceptable failures respectively.

Based on the comments of the Test House it would appear that compliance could be greatly improved through better checks on the manufacturing processes to ensure that net material is orientated correctly to ensure minimal rate of spread of flame.

The report was presented by a Trading Standards Officer and a BEIS official at the European Union Toy Safety Committee held in Brussels in May 2016.

The British Standards Institute has held several joint meetings with experts on both

the safety of toys and textiles to discuss all the issues. An expert panel has now been formed to take forward all the issues around the testing of dressing up costumes which will engage with European safety colleagues on the potential revision of the relevant toy safety standard.

Earlier this year the British Retail Consortium (BRC) announced its own Code of Practice, which goes beyond the current safety tests for toys and exceeds the safety tests on nightwear.

This test is voluntary but lots of retailers have signed up to it and now test their costumes to this standard. Nightwear must not burn quicker than 12mm per second. The BRC test states costumes must not burn quicker than 10mm per second.

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

TW25 REPORT ON ACTIVITY AROUND FIREWORKS IN 2016

A report was presented to inform the Committee of the activities of Trading Standards Services of the five constituent authorities related to fireworks in the period preceding the 5 November 2016.

The enforcement partners involved with the various legislative provisions related to fireworks include Northumbria Police, Tyne and Wear Fire and Rescue Service and Environmental Health Services. Due to the already well organised structure in which all of the partners operate, it is relatively easy for the partner enforcement organisations to work closely together around the enforcement of the firework related legislation.

Across Tyne and Wear business owners have been reminded of their obligations in respect of the law relating to the sale of fireworks and guidance materials have been issues to support businesses. Officers have also examined stocks of fireworks in retail premises to ensure compliance with relevant standards.

A number of authorities have been involved in the wider 'darker nights campaign' arranged through the local Crime and Disorder Reduction Partnerships. Retailers have been visited across the five authorities and 6 test purchases were carried out with no sales being made.

It does seem apparent that in recent years there has been a reduction in the numbers of premises registering with the Tyne and Wear Fire and Rescue Service to sell fireworks.

Incidents and alleged incidents of sales of fireworks to those under 18 have decreased significantly over recent years. It is encouraging that retailers across Tyne and Wear are abiding by the restrictions around selling fireworks to those under 18 with all premises subject to test purchase exercises refusing to sell. Whilst this is all positive news, officers will ensure that in conducting future operations the work that is conducted with the support of members, will continue to ensure that

retailers do not become complacent in respect of the overall safety of fireworks.

Officers would also reinforce the message that individuals who set themselves up on our residential estates to sell a range of illegal products, including fireworks, alcohol and cigarettes and often to those underage should not be tolerated by their neighbours and as a result their activities should be reported to the enforcement authorities so that action can be taken against them to stop their activities.

The Committee requested that officers look into the feasibility of doing a blanket ban in Tyne and Wear and bring a report back to the next Committee.

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

TW26 DATE AND TIME OF NEXT MEETING

The Date and Time of the Next Meeting is Thursday 16 February 2017 at 10am.

Chair.....