

# TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE AGENDA

**Thursday, 27 June 2019 at 10.00 am in the Whickham Room - Civic Centre**

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From the Chief Executive, Sheena Ramsey

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Item Business

**1 Appointment of Chair**

The Committee is requested to appoint a Chair for the 2019/20 Municipal Year.

**2 Appointment of Vice-Chair**

The Committee is requested to appoint a Vice-Chair for the 2019/20 Municipal Year.

**3 Constitution of the Committee**

The Committee is asked to note the Constitution of the Committee for the 2019/20 Municipal Year.

| Authority               | Member                 | Substitute             |
|-------------------------|------------------------|------------------------|
| Gateshead Council       | Councillor K Dodds     | Councillor D Bradford  |
|                         | Councillor M Foy       | Councillor S Hawkins   |
|                         | Councillor T Graham    | Councillor J McElroy   |
|                         | Councillor I Patterson |                        |
| North Tyneside Council  | Councillor S Graham    | Councillor J Hunter    |
|                         | Councillor C Burdis    | Councillor J O'Shea    |
|                         | Councillor C Johnson   | Councillor P Oliver    |
|                         | Councillor J Stirling  | Councillor L Bell      |
| South Tyneside Council  | Councillor S Dean      | Councillor J Amar      |
|                         | Councillor T A Dixon   | Councillor A Kerr      |
|                         | Councillor A Donaldson |                        |
|                         | Councillor J Perry     |                        |
| Newcastle City Council  | Councillor N Kemp      | Councillor A Lower     |
|                         | Councillor L Wright    |                        |
|                         | Councillor M Lowson    |                        |
|                         | Councillor P Lovatt    |                        |
| Sunderland City Council | Councillor A Wilson    | Councillor P Gibson    |
|                         | Councillor D Waller    | Councillor J Heron     |
|                         | Councillor J Blackburn | Councillor A Lawson    |
|                         | Councillor J Fletcher  | Councillor D MacKnight |

- 4 **Apologies for Absence**
- 5 **Minutes** (Pages 3 - 10)
- The Joint Committee is asked to approve as a correct record the minutes of the previous meeting.
- 6 **Report and Statistical Return for the Period January to June 2019** (Pages 11 - 14)
- Report of the Strategic Director, Communities and Environment, Gateshead Council
- 7 **Provisional Outturn as at 31 March 2019** (Pages 15 - 18)
- Report of the Strategic Director, Corporate Resources
- 8 **Metrology & Product Safety Business Plan** (Pages 19 - 28)
- Report of the Service Director, Communities and Environment
- 9 **Offensive Weapons Act 2019** (Pages 29 - 30)
- Report of the Service Director, Communities and Environment
- 10 **Scams Awareness Campaign 2019 & Citizens Advice Scams Action Project** (Pages 31 - 36)
- Report of the Service Director, Communities and Environment
- 11 **Tenant Fees Act 2019** (Pages 37 - 40)
- Report of the Service Director, Communities and Environment

## GATESHEAD METROPOLITAN BOROUGH COUNCIL

### TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE MEETING

Thursday, 14 February 2019

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

Councillor(s): T Graham, Councillor J Blackburn,  
Councillor A Wilson, D Waller, P Lovatt and  
Councillor M Lawson, J O'Shea, M Beck

#### **TW42 APOLOGIES FOR ABSENCE**

Apologies for Absence were received from:

Councillor M Foy – Gateshead Council  
Councillor I Patterson – Gateshead Council  
Councillor L Wright – Newcastle City Council  
Councillor A Ellison – South Tyneside Council  
Councillor J Fletcher – South Tyneside Council

RESOLVED - That the apologies be noted.

#### **TW43 MINUTES**

RESOLVED - That the minutes of the meeting held on 1 November 2018 be agreed as a correct record, subject to it being noted that Councillor J O'Shea was in attendance and apologies for Absence were received from Councillor D Waller, Sunderland City Council and not Newcastle City Council.

#### **TW44 REPORT AND STATISTICAL RETURN FOR THE QUARTER ENDING DECEMBER 2018**

The Committee received an update report on the work of the Metrology Laboratory for the quarter ending December 2018.

The laboratory continues to support the work of the 5 authorities within Tyne and Wear. The laboratory is at its capacity at the moment. There is a break in the training courses previously offered for trading standards candidates as the professional body is changing the qualification.

The laboratory is continuing to offer aid and advice to industry and have seen an increase in a number of small start-up companies asking for advice.

The Laboratory underwent its annual audit by UKAS just after Christmas. There were minor issues to deal with, however, this was expected as the quality standard

was changed and this was the first audit against the new version of the standard.

There is some potential issues between now and the next meeting, in regards to the e-safety sign, if we leave Europe without a deal we will no longer be able to use the CE mark. There is going to be a UK Conformity Assessed Mark if there is no deal.

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

## **TW45 FARM INSPECTION AND REGULATION REVIEW**

The Committee received an update on the review of farm inspection and regulation.

An independent review of farm inspection and regulation was commissioned in February 2018 by the Secretary of State for Environment, Food and Rural Affairs.

In summary, the report recommends that the Government should

- Create a new independent regulator for farming and land management as soon as possible, require the regulator to report periodically and comprehensively on the extent to which the government's stated principles are being met.
- Legislate to rationalise farm and land registration requirement and to allow for the creation of a single land-keepers' register, to be held by the regulator. Current arrangements for registering for land parcels should be carefully assessed and simplified as soon as possible.
- Review the Defra group configuration. The Government should retain sufficient field staff within the Environment Agency to enable it to deliver its future remit, but otherwise consolidate and create one field force under the auspices of the new regulator.

The following response was submitted to the Minister of State for Agriculture, Fisheries and Food by the Chair of the Association of Chief Trading Standards Officers.

It is at this unique point in time, as the implications of EU Exit for businesses, enforcers and consumers become clear, that local authorities can provide an invaluable contribution to the future of farming regulation. Local authorities not only have extensive expertise and knowledge of working with the farming and food industry but have also established a reputation for delivering value for money, flexible and knowledgeable regulatory services that can deliver tangible benefits in difficult financial times. They retain a fair approach to enforcement, working with partners and impartially considering the needs of the public, businesses and how best to use limited public funds.

The Committee expressed concern of the potential risk if Local Authority officers had their responsibilities taken away from them. It was suggested that this Committee express their concerns via the Chair to the government minister.

RESOLVED - That the information be noted.

**TW46**

**LOCAL GOVERNMENT ASSOCIATION WARNING THAT ILLEGAL TOBACCO TRADE HARMING EFFORTS TO CUT SMOKING**

The Committee received a report to provide an update on an announcement from the LGA regarding the illegal tobacco trade.

The LGA has stated that the illegal tobacco trade is rife and undermining efforts to reduce smoking and it is calling for courts to impose bigger fines for selling illegal cigarettes which cost the UK economy more than £2billino per year in unpaid duty.

Recent Council hauls, including some in the North East have seen sniffer dogs used to trace and remove bootlegged and counterfeit tobacco from the streets as they continue to crack down on illegal trade. In recent seizures, stashes of illegal cigarettes and tobacco have been found hidden in sophisticated hiding places in the walls and floors of shops and secret panels in cupboards.

Fake cigarettes pose a greater fire risk as they do not include designs that ensure that a lit cigarette will self-extinguish if not actively smoked.

Councillor Simon Blackburn, Chair of the LGA's Safer and Stronger Communities Board said:

*"The sale of cheap, illegal tobacco by rogue traders in shops, private homes and through social media is funding organised criminal gangs and damaging legitimate traders, as well as making it easier for young people to get hooked on smoking, which undermines councils' efforts to help people quit.*

*Counterfeit cigarettes also fail to extinguish themselves when left to burn, presenting a real danger to people.*

*Bigger fines need to be imposed by the courts to deter the sale of illegal tobacco to help councils' enforcement work against rogue traders, reduce crime in our communities and protect the health of children and young people."*

The Committee suggested that a letter be written to Councillor Blackburn supporting him with this issue. It was also suggested that some publicity on this issue would be a positive way forward.

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

**TW47**

**PENSION SCAMS**

The Committee received an update report on the response provided nationally on the issue of pension scams.

From the 9 January 2019, unsolicited calls about the pensions of consumers have now been made illegal. Businesses that make unwanted, unsolicited phone calls to people about their pensions may face enforcement action, including fines of up to half a million pounds. One of the most common methods used by scammers to commit pensions fraud is through cold calls, which is why the action has been

taken. Research carried out by the Money Advice Service suggests that there could be as many as 8 scam calls per second, the equivalent of 250 million calls per annum.

Consumers are advised that if they receive a cold call about their pension, get any information that they can, such as the business name or phone number and report it to the Information Commissioner. The ban prohibits cold-calling in relation to pensions except where:

- The caller is authorised by the FCA, or is the trustee or manager of an occupational or personal pension scheme, and
- The recipient of the call consents to calls, or has an existing relationship with the caller

Anyone who needs help relating to their pensions can visit Pension Wise, a free and impartial service that helps consumers understand the options for their pensions.

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

#### **TW48 RADANOFF VODKA**

The Committee received a report providing an update on a response both nationally and regionally on the issue of “Radanoff” vodka.

In January 2019 following work by Trading Standards colleagues in Hull City Council, it emerged, that a fake brand of vodka which may contain industrial strength alcohol and cause serious health issues, and even death, has reached the shelves of UK shops. Hull City Council admitted there is no way of knowing what is in bottles of “Radanoff”, a brand of alcohol which seemingly is ‘not recognised’. Hull City Council warned the public not to buy it. The bottles have no HMRC duty stamp and the barcode does not link to a real product.

The response locally by officers in the north east has been to publicise the seizure of the “Radanoff” vodka with consumers, businesses and other enforcement colleagues including Northumbria Police. There have also been inspection visits to licensed premises in the area.

The advice offered to businesses tempted to buy the illegal alcohol from unscrupulous traders is simple. “Don’t risk it”. There are several potential offences under consumer protection legislation including food safety.

Businesses are also advised by HMRC that if they sell alcohol to another business they may need to apply for approval for the Alcohol Wholesaler Registration Scheme (AWRS). HMRC introduced the scheme to tackle alcohol fraud.

Businesses have also been advised that the discovery of any illegal alcohol in licensed premises may very well lead to an initiation of a Review of a Premises Licence leading to potential revocation of the licence.

The advice offered to consumers is simply not to buy the alcohol but if they see the

brand on sale report it through to regulation services so that action can be taken. If consumers drink “Radanoff” vodka and feel unwell as a result, they are advised to seek medical assistance as a matter of urgency.

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

#### **TW49 ANNOUNCEMENT ON CITIZENS ADVICE SCAMS ACTION PROJECT**

The Committee received a report to update on the recent announcement made by the consumer finance journalist Mr Martin Lewis about the lawsuit he took against Facebook.

Mr Lewis announced on 23 January 2019 that he is dropping his lawsuit against Facebook over its repeated failure to prevent scam adverts from using his name and image, after the company agreed to donate £3m to set up an anti-scam project with Citizens Advice and launch a UK-specific one-click reporting tool.

Mr Lewis launched the lawsuit after an estimated “thousands, possibly tens of thousands” of people fell prey to scams promoted using his reputation, said a court battle was never his aim.

Facebook’s donation to Citizen’s Advice, which will total £2.5m in cash as well as £500,000 of vouchers for the company’s online ad service, will be used to fund an independent scam prevention project, Citizens Advice Scams Action (Casa). When Casa launches in May 2019, it will work to identify and tackle online scams, as well as support victims.

The social network will also launch a UK-specific tool that lets British users easily and quickly flag ads they believe to be scams. It will be backed up by a dedicated internal team to handle the reports. It will also proactively investigate trends and find and shut down violating ads.

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

#### **TW50 NEW BURDEN GRANT ALLOCATIONS ASSOCIATED WITH INTRODUCTION OF TOBACCO PRODUCT DIRECTIVE AND AGE OF SALE - NICOTINE INHALING PRODUCTS LEGISLATION**

The Committee received a report to provide an update on the recent notification of the New Burden Grant Allocations to local authorities in England.

A letter has recently been sent out, by the Department of Health and Social Care and which confirms details and allocations of Department of Health New Burdens funding; awarded under Section 31 of the Local Government Act 2003 to cover any additional costs incurred as a direct result of implementation of the Tobacco Product Directive and the Nicotine Inhaling Products legislation as it relates to age restricted products in 2018/19.

The overall total of the available funding is £659,866. Each Local Authority in England will receive a minimum payment of £2,000, with further sums allocated according to adult smoking prevalence across the authority, using the latest Office for National Statistics Report, “Adult smoking habits in the UK 2017”, as published in July 2018. Amounts range for £2015.45 to £12,883.96.

North East Local Authorities have received funds as follows:

| Local Authority Name | Amount    |
|----------------------|-----------|
| Gateshead            | £3,469.22 |
| Newcastle upon Tyne  | £3,983.20 |
| North Tyneside       | £3,480.58 |
| South Tyneside       | £3,205.79 |
| Sunderland           | £4,774.39 |

The grant allocations need to be spent by end of March 2019, officers are making sure that this additional finance is allocated in line with local authority service provision and procedures.

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

**TW51**

**PROPOSAL FROM GREATER MANCHESTER TO INTRODUCE A TOBACCO RETAILER & WHOLESALE LICENSING SYSTEM**

The Committee received a report on a proposal from Greater Manchester to introduce a tobacco retailer and wholesaler licensing system. The proposal provides partners outside Greater Manchester with an opportunity to consider their interest in pursuing this agenda as part of comprehensive approaches to local tobacco control.

The Greater Manchester “Making Smoking History” strategy identifies addressing tobacco licensing as a key issue for Greater Manchester wide action. The strategy also flags extending smoke free spaces as another potential area for regulatory change.

The regulatory framework relating to tobacco has changed significantly over the past decade. The promotion of tobacco via mainstream marketing, advertising and sponsorship is now gone; 2007 saw the ground-breaking ‘smokefree’ law come into force; age of sale has increased to 18; vending machines have been removed; tobacco is now sold in standardised packs; cars carrying under 18s should now be smokefree.

What has not changed is the ability for local authorities in England to monitor, control and sanction the sale of tobacco in their communities. This is seen as putting England at odds with other UK jurisdictions in Wales, Scotland and Northern Ireland where tobacco retailer registration schemes are in place.

A public engagement conducted during February – April 2018 demonstrated strong backing for the Greater Manchester “Making Smoking History” strategy, including extending smoke free spaces and a tobacco retailer licensing scheme in Greater Manchester, with some 81% supporting the proposal. This confirms previously high

levels of support for these measures in other national surveys.

A workshop conducted with senior regulatory services officers and partners from Greater Manchester Police and HMRC indicated a strong appetite to scope potential licensing legislation.

A review by the legal services at Manchester City Council, with legal support from the Greater Manchester Combined Authority has been carried out to (a) explore whether existing powers could enable the Combined Authority, and/or the 10 local authorities introduce a licensing scheme(s) and extend smokefree spaces; or (b) other legislative vehicles such as byelaws or a local Act of Parliament would be required.

The review concluded that it would not be possible to make existing powers such as those in operation in Scotland and Wales to become a legal function of the Greater Manchester Combined Authority or any Greater Manchester Authority. Under section 239 of the Local Government Act 1972, the combined authority or one individual local authority on behalf of the 10 could however promote a local Act of Parliament. The Greater Manchester Leadership Team has agreed a lead local authority route. Manchester City Council will lead the process for Greater Manchester localities. This process is independently open to any local authority.

The process for achieving the implementation of the Act is complex. The plan of Greater Manchester is to table a Bill in November 2019. The draft Bill was expected to be available in January 2019 and will be subject to a regulatory impact assessment and consultation process.

There is scope for localities outside of Greater Manchester to work alongside them to pursue similar Bills just as Liverpool, London and Merseyside all took forward independent and identical smokefree Private Bills in November 2004 and 2005. Any locality engaging in the same process could pursue only the licensing element of the legislation should they so wish. Costs and risks could be shared appropriately.

It was noted that if this something local authorities in the region were to wish to pursue it would have to go to the respective leadership meetings.

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

**TW52 PROPOSED 2019/20 MEETING DATES**

Thursday 27 June 2019 at 10am  
Thursday 7 November 2019 at 10am  
Thursday 13 February 2020 at 10am

RESOLVED – That the meeting dates for 2019/20 be approved.

**TW53 EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED - That the Press and Public be excluded from the meeting during consideration of the next item subject to Paragraph 3 of

**TW54 METROLOGY & PRODUCT SAFETY BUSINESS PLAN**

The Committee received a report to provide an update on some initial proposals for the future business plan for the laboratory and its use.

Further discussions need to take place with colleagues from Finance to cost out options which have been identified. Further progress on the plan will be brought to this meeting on a regular basis.

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

**Chair.....**

**27 June 2019**

**Report and Statistical Return for the Period  
January to June 2019**

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**Anneliese Hutchinson, Strategic Director, Communities and Environment,  
Gateshead Council**

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**Purpose of the report**

To inform the Committee of the work of the Joint Metrology Laboratory for the period January to beginning of June 2019.

**Operational**

1. The laboratory continues to support the five authorities of the Tyne and Wear region offering specialist services, equipment and personnel and conducting petrol verifications.

**Aid and Advice to Industry**

2. Local weighing machine repairers, chemical, pharmaceutical and aeronautical companies continue to submit their test weights, scales and length measures for calibration and equipment hired.
3. Calibration of volumetric flasks for a Danish company.

**EC Verifications**

4. During this period no EC Verifications were carried out.

**UKAS Calibrations**

5. Weights continue to be submitted for calibration and issue of UKAS Calibration Certificates.
6. Inter-lab comparison calibrations carried out on volumetric flasks with the aim of the laboratory extending their UKAS scope to include volume.
7. Plans to apply for extended UKAS scope to cover comparators.

**Toy Safety**

8. Again only a few samples were submitted by the authorities and they were found to be compliant with legislation.
9. Using UKAS accredited flexible scope, a baby grow was tested for Redcar TS which failed due to small diamante beads detaching and becoming small parts.

## **Electrical Safety**

10. Samples have been submitted by Hartlepool as well as Tyne & Wear authorities. There is a court case outstanding after the failure of a Hartlepool sunbed where Dave Malone has been called as an expert witness by the prosecution.

## **Product Safety**

11. Samples have been submitted via the available funding from Office for Product Safety and Standards (OPSS) to test various consumer products, this included electronic games consoles, household electrical products and a homemade children's play kitchen.
12. Two batches of child fancy dress costumes tested for Rubies Masquerade UK for flammability, strangulation hazards and safety of packaging with reports produced stating the various failures.

## **Child Safety Week**

13. Dave Malone gave assistance to Gateshead TS during Child Safety Week attending each of the sessions to give advice to parents of product safety.

## **Cigarette Samples**

14. Samples of cigarettes were submitted to the laboratory for reduced ignition propensity testing and were found to be non-compliant with legislation, reports and section 9 witness statements were prepared for many authorities outside the Tyne & Wear region. Andrew Hayward has attended court in Peterborough to give evidence as an expert witness on one of these cases.

## **Statistical Return**

15. The statistical return for the period January and 7<sup>th</sup> June 2019 is contained within Appendix 1.

## **Recommendation**

16. The Committee is recommended to note the report and statistical information.

## METROLOGY LABORATORY

## STATISTICAL RETURN FOR THE PERIOD January to 7th June 2019

| <b>Activity</b>              | <b>Number</b> |
|------------------------------|---------------|
| S.74 (4) (b) verifications   | 178           |
| UKAS Accredited calibrations | 1973          |
| Sales new weights            | 25            |
| Weighbridge                  | 520           |
| Hire of weights              | 2             |
| PAT testing                  | 2             |
| EC Verification              | 0             |
| RIP testing                  | 29            |

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

**27 June 2019**

**Provisional Outturn as at 31 March 2019**

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**Darren Collins, Strategic Director, Corporate Resources, Gateshead Council**

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**Purpose of the report**

1. To advise the Joint Committee of the provisional outturn for 2018/19, subject to the Audit of Gateshead Council's Accounts.

**Background**

2. From April 2015 onwards, the accounts of the Trading Standards Joint Committee are being reviewed as part of the Gateshead Council's Final Accounts process. Details are shown in Appendix 1.

**Recommendation**

3. The joint Committee is recommended to –
  - Be advised of the details contained in the provisional outturn report at Appendix 1.

Contact: Rachael Crowe, Gateshead Council on 0191 433 3615

## Appendix 1

|                                   | Budget<br>18/19 | Outturn<br>18/19 | Notes  | Budget<br>19/20 |
|-----------------------------------|-----------------|------------------|--|-----------------|
|                                   | £               | £                |  | £               |
| <b>Income</b>                     |                 |                  |  |                 |
| Fees & Charges                    | 123,215         | 138,158          |  | 120,337         |
| S. 11 Stamping Fees               | 9,000           | 5,070            |  | 9,000           |
| Levy on Constituent Authorities   | 218,869         | 218,869          |  | 218,869         |
| <b>Total Income</b>               | <b>351,084</b>  | <b>362,097</b>   |  | <b>348,206</b>  |
| <b>Expenditure</b>                |                 |                  |  |                 |
| <i>Employees</i>                  |                 |                  |  |                 |
| Direct Pay                        | 220,967         | 230,380          | 1 x Senior Officer (L),<br>2 x Technical Officers (H), 1 x<br>Technician (E),  | 222,824         |
| Indirect Pay                      | 1,142           | 851              | 1 x Assistant (D),   | 1,142           |
|                                   | 222,109         | 231,231          | 1 x Clerical Assistant (B/C)   | 223,966         |
| <i>Premises</i>                   |                 |                  |  |                 |
| Repairs & Maintenance             | 7,570           | 9,952            |  | 7,670           |
| Utilities                         | 11,393          | 12,733           |  | 14,293          |
| Rates                             | 8,400           | 8,280            |  | 8,400           |
| Rent                              | 4,160           | 4,159            |  | 4,160           |
|                                   | 31,523          | 35,124           |  | 34,523          |
| <i>Transport</i>                  |                 |                  |  |                 |
| Car Allowances                    | 400             | 0                |  | 400             |
| Vehicle Running Costs             | 940             | 1,073            |  | 940             |
|                                   | 1,340           | 1,073            |  | 1,340           |
| <i>Supplies &amp; Services</i>    |                 |                  |  |                 |
| Furniture & Equipment             | 7,000           | 26,874           |  | 7,000           |
| UKAS Fees                         | 7,200           | 5,512            |  | 0               |
| Telephones                        | 1,240           | 1,328            |  | 0               |
| Printing & Stationery             | 2,340           | 705              |  | 1,140           |
| Insurance                         | 6,120           | 5,444            |  | 5,813           |
| Postage                           | 800             | 674              |  | 800             |
| Miscellaneous                     | 7,500           | 7,845            |  | 33,712          |
|                                   | 32,200          | 48,382           |  | 48,465          |
| <i>Central Admin</i>              |                 |                  |  |                 |
| Met Lab Central Admin             | 38,632          | 34,289           | D&E recharge £14k, Finance<br>£11k, ICT £3.5k, HR £2.7k &<br>Chief Execs £2.6k | 38,632          |
|                                   | 38,632          | 34,289           |  | 38,632          |
| <i>Joint Committee Expenses</i>   |                 |                  |  |                 |
| Conference Expenses               | 0               | 0                |  | 0               |
| Central Admin                     | 1,280           | 1,280            |  | 1,280           |
|                                   | 1,280           | 1,280            |  | 1,280           |
| <b>Total Revenue Expenditure</b>  | <b>327,084</b>  | <b>351,380</b>   |  | <b>348,206</b>  |
| <b>Capital Equipment Purchase</b> | <b>24,000</b>   | <b>32,485</b>    |  | <b>0</b>        |
| <b>Net Expenditure</b>            | <b>351,084</b>  | <b>383,865</b>   |  | <b>348,206</b>  |

|   | <b>Budget<br/>18/19</b> | <b>Outturn<br/>18/19</b> | <b>Budget<br/>19/20</b> |
|---|-------------------------|--------------------------|-------------------------|
|   |                         | £                        | £                       |
| <b>Total Income</b>                           | 351,084                 | 362,097                  | 348,206                 |
| <b>Total Expenditure</b>                      | 351,084                 | 383,865                  | 348,206                 |
| <b><i>Transfer from Reserve</i></b>           |                         | <b>-21,768</b>           |                         |
| Reserve at 31st of March 2018                 |                         | <b>-96,342</b>           |                         |
| Reserve at 31st March 2019                    |                         | <b>-74,575</b>           |                         |
| <b><u>Levy on Constituent Authorities</u></b> |                         |                          |                         |
| Gateshead Contributions                       |                         | <b>-39,663</b>           | <b>-39,663</b>          |
| Sunderland                                    |                         | <b>-54,579</b>           | <b>-54,579</b>          |
| Newcastle                                     |                         | <b>-55,504</b>           | <b>-55,504</b>          |
| LACB South Tyneside                           |                         | <b>-29,344</b>           | <b>-29,344</b>          |
| LACB North Tyneside                           |                         | <b>-39,779</b>           | <b>-39,779</b>          |
|   |                         | -                        | -                       |
|   |                         | <b><u>218,869</u></b>    | <b><u>218,869</u></b>   |

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**27 June 2019**

**Metrology & Product Safety Business Plan**

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**Anneliese Hutchinson, Service Director, Communities and Environment,  
Gateshead Council**

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**Purpose of the report**

To update the Committee on the initial proposals for the future business plan of the laboratory and its use.

1. You will recall a draft business plan was attached to the last report and produced at the February committee.
2. Unfortunately there has been limited progress with taking forward any of the proposals. This is mainly due to essential building maintenance work needing to be carried out.
3. A meeting has been scheduled between ourselves and colleagues in finance in order to cost out some of our proposals, but our preferred options may now need to be put on hold.
4. A copy of the original business plan is attached to the document for comment and in light of new members to the Committee. It is a brief outline of where we are looking to take the laboratory identifying the pros and cons for each scenario.

**Recommendation**

5. The Committee is asked to note the information.

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Contact: Andrew Hayward, Gateshead Council on 0191 4784550 or e.mail  
[andrewhayward@gateshead.gov.uk](mailto:andrewhayward@gateshead.gov.uk)

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# **Product Safety and Metrology**

**Business Plan 2019**

**Tyne & Wear Joint Committee on Trading Standards**

## Introduction

This plan is an extension on the previous review document of 2018 and provides detail on the future possible directions of the Tyne and Wear facility at Saltmeadows Road and the possible financial implications. The present building and fabric has been mostly static for 40 years since it opened in 1979 and operational function have changed dramatically over the years due to external forces. There have been tweaks to the building's fabric over the last seven years and these have been cost neutral and have allowed for expansion of functionality to an extent.

## Changes in the Operating Landscape

1. The Office of Product Safety and Standards (OPSS) has made available a budget for local authority trading standards departments to utilise for consumer product testing. To this end one laboratory in each geographical region of the UK has been nominated to conduct the work. The monies available are only for the testing fees and not for the procurement of the samples. The Gateshead laboratory is a partner laboratory to West Yorkshire to provide the service to the North East. OPSS will only accept invoicing from one regional laboratory and due to the high administrative cost it was decided to let West Yorkshire take the lead. There is no guarantee of the longevity of the funding as the *"Strengthening National Capacity for Product Safety"* strategy is 2018-2020.
2. The effect of Brexit upon the functionality is, as yet, still an unknown quantity and the effect upon our regional Notified Body is unknown.
3. The number of established trading standards laboratories offering a comparable service is once again in decline, our UKAS auditors have warned us that we are now one of five and that we are the most northerly. OPSS recognises that once these resources are lost they are impossible to replace or restart.

## Changes in the Operating Capability

1. At the last United Kingdom Accreditation Service (UKAS) audit in January 2019 it was decided to apply for an extension to scope of accredited tests. These areas can be developed within the operating environment without any major resource implications at present.
2. The chemical testing capabilities are severely reduced because of the arcane nature of the equipment and working practices of other local authority departments. For example, fewer samples of beers and spirits for alcohol content and food samples for meat content

as samples are sent to a laboratory designated as a Public Analyst by the environmental health section.

## **Possible Futures**

The current workstream and testing facilities are nearing capacity with the resources currently available, therefore consideration needs to be made in increasing available resources. Most equipment is being utilised on a daily basis as are the staff and the current building layout is fit for current purpose but in its current configuration does not lend itself to expansion of activities easily and the suitability of one of the laboratories is questionable for its current use. The bottlenecks in the present system are the number of staff available to complete the activities and the size of available laboratories doesn't allow multiple operators so everything is in a queue waiting to be tested. Only one qualified Inspector of Weights and Measures places a lot of demands upon that person who also has all the managerial duties of the establishment with a balance of operational duties and strategic duties to be sought.

## **Maintenance of Current Capabilities**

### **1. Maintain the status quo**

One option is to maintain the present building layout, current staffing levels and capabilities. This would be the cost neutral option but due to being at the capacity of these resources will not allow for an increase in revenue or the addition of new functions.

**Pros:** No disruption to service, no cost

**Cons:** No capability for expansion of duties or staff, no opportunity to increase revenue, no means of freeing up staff for marketing activities or site visits, reliance upon the five authorities for exposure to the local economic operators, threatens a UKAS accredited function (capacity laboratory defects).

### **2. Refurbishment of the Capacity Laboratory**

The laboratory's air conditioning unit is not suitable for maintaining UKAS accredited calibrations due to its age and lack of humidity control and therefore would need replacing at a cost of £20,000. This would not be money well spent as there are other defects and features within the

laboratory such as an open drain and running water which adds to the humidity problems. This room would still have to contain two different accredited tests and also legal work so would only allow one operator / one test at a time and is a health and safety issue when handling heavy test items due to available limited floor space.

**Pros:** Improve climate control for accredited activities

**Cons:** Laboratory closed whilst under refurbishment, loss of capability impacting on clients and our local authorities, not effective use of funds, doesn't alleviate health and safety concerns

### **3. Conversion of the Chemical Laboratory Into a New Mass Laboratory**

Possibly a more cost effective measure would be to convert the adjacent laboratory which is presently the chemical laboratory and reduced ignition propensity (RIP) testing facility into a mass calibration laboratory. What would be needed is an air conditioning unit, the relocation into the capacity laboratory of the still and building of brick plinths. The current services of water and natural gas will need to be removed. The added benefit of doing so is remedial works need to be undertaken as there are open drains in this room which are now causing mildew growth on cupboarding. This mildew is fast becoming a health and safety issue. The windows in the laboratory will also need bricking up to maintain a stable environment. The fume cupboard will be need to removed, but that can be relocated into another area.

**Pros:** A new fully compliant laboratory, allows the capacity laboratory to be used for one use with all water services in one area, minimises health and safety concerns, frees up the legal metrology laboratory for cigarette testing, all labs are still functional during conversion so no downtime, reuse of most of benching and plinths, allows two operators to work simultaneously, all electrical and IT facilities already in existence, improved security as two more external windows removed

**Cons:** Length of time to strip out existing and installation of new, cost, without new facility / laboratory loss of all chemical capability

The relocation of the legal metrology laboratory into a new mass laboratory will allow the conversion of that laboratory into a RIP testing facility in isolation which would allow for a possibility of providing an accredited test rather than a screen test as presently conducted.

**Pros:** Avoids the need to provide an air conditioning unit to the legal metrology laboratory, allows utilisation of small area efficiently, ability to continue testing fire safety of cigarettes, relocation of existing equipment, minimal structural works

**Cons:** Main gas supply into the building located here so fire protection needed for services

The provision of a small chemical laboratory is possible if constructed within the current training room. This will allow for the testing of alcohols and other consumer products. There is already a water supply in that area so the only service needed would be heating radiators. There would be a cost involved in building stud partition walls.

**Pros:** Allows continuation of some chemical provisions, allows for continuing competence of staff, maintain testing in these areas for the constituent authorities

**Cons:** Relatively small cost; loss of training room, create a long corridor

## **Re-configure the existing layout within the current building**

The laboratory, when designed and built allowed for a second storey to be added to the front portion and has high ceilings which are more than double height in the garage areas.

### **1. Build a second storey**

This would allow all non-metrology laboratories to be located upstairs and would provide extra space for new facilities and services to be delivered. Accommodation could also be provided for extra staff to be located and also used as meeting and training facilities. The cost associated with this would be £1M

**Pros:** Completely future proofing the facility, provide office space for officers, provide meeting room, provide training rooms

**Cons:** Large disruption to all accredited activities resulting in loss of revenue for a considerable time, large expenditure

### **2. Build a new floor level in the first garage**

There is sufficient floor space within the first garage to have a new floor level with three small laboratories built on that floor. Services needed would be heat, where the heating pipes already exist, power supply, water supply and IT points.

**Pros:** New laboratory space which will allow new capabilities to be developed, contained within the existing building footprint, no disruption of existing accredited tests, new permanent toy testing laboratory

**Cons:** associated costs, some loss of floor space to build a staircase

### **3. Convert existing mezzanine level to laboratory**

An option that can be considered in isolation or as part of other alterations is to convert a dead storage space into laboratory space where flammability testing as well as cigarette fire safety testing could be conducted. Services already are provided in this space and the only structural addition would be the construction of a staircase as current access is provided by ladder.

### **New testing to be added to accredited capabilities from 2019**

An extension to accreditation in calibration is being applied for with UKAS to cover the following areas:

- Increase mass calibration facility up to 50 kilograms
- To calibrate force gauges
- To undertake calibration of volume measures by gravimetric means
- To perform calibrations of balances at customers' premises

These extra calibration capabilities do not involve any extra investment as they are conducted for in house purposes presently and so this application will allow for a chargeable service to customers. There is a cost involved with the application and a small uplift in our audit fees but these should be mitigated when work comes in as a result of the changes.

An extension to accreditation in toy testing is applied by UKAS to cover the following areas:

- Expanding material test method
- Static strength test method
- Test Method for monofilament fibres

### **Future testing to be considered for accredited capabilities**

- Toy testing is being reviewed to see what toy requirements can be added
- Metrology and calibration requirements are being consulted upon with stakeholders.

- Increasing accuracy level to E0 standards which would put the laboratory on parity with the Government laboratory
- Expansion of what consumer products can be tested

## **Additional staff needs**

To expand the range and influence of the laboratory consideration has to be made to increasing the staffing levels, finance has been consulted to ascertain the resource implications. The options available are to appoint a new technician grade or another Weights and Measures Inspector. Considerations need to include a review of Business Continuity requirements in the staffing, with an eye to succession planning.

Adding another technician will add (assuming top of grading point) another £42,082 to the annual staffing costs. Adding another trading standards officer (TSO) (assuming top of grading point) would add £49,665 to the annual staffing costs. This TSO will need a different skill set to the routine officer to be able to cover the roles of a technician as well as an Inspector.

For a £7,583 differential in the staffing costs another trading standards officer would be more beneficial to the structure and organisation. Advantages include:

- Succession planning
- Business continuity
- Cover for the laboratory manager in absence
- Allows for more legal metrology functionality
- More flexibility in the UKAS accredited capabilities
- Avoiding bottlenecks in the workstreams



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

27 June 2019

### Offensive Weapons Act 2019

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**Anneliese Hutchinson, Service Director, Communities and Environment,  
Gateshead Council**

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#### **Purpose of the report**

To update the Committee on recent legislative changes which affect the sale of knives and corrosive substances.

1. The Offensive Weapons Act received Royal Assent on Thursday 16 May 2019, bringing in tough new measures that strengthen law enforcement's response to violent crime.
2. The Act will make it illegal to possess dangerous weapons in private, including knuckledusters, zombie knives and death star knives, and will make it a criminal offence to dispatch bladed products sold online without verifying the buyer is over 18.
3. The Act includes a number of other measures to tackle serious violence, including:
  - a ban on the possession, manufacture and sale of rapid firing rifles and bump stocks, which increase a rifle's rate of fire. The ban on the manufacture and sale of these weapons has now come into force with immediate effect
  - a ban on selling bladed products to a residential address without age verification
  - updating the definition of flick knives to reflect changing weapon designs and banning private possession of flick knives and gravity knives
  - changing the legal definition for threatening someone with an offensive weapon to make prosecutions easier
  - banning the sale of corrosive products to under 18s
  - making it an offence to possess a corrosive substance in a public place.
4. The Act includes a list of corrosive substances that are subject to the ban.
5. The act requires if a bladed product is sold at a distance e.g. via a website then the seller:
  - Must have procedures in place to ensure, if it is delivered to a residential premise, that it is delivered into the hands of a person aged 18 or over; and
  - Have taken all reasonable precautions and exercised all due diligence to ensure it would be delivered into the hands of a person aged 18 or over.

- Ultimately it would be up to a court of law, if necessary, to decide what reasonable steps should have been adopted if an offence were to be committed.

### **Recommendation**

6. The Committee is asked to note the information.

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

**27 June 2019**

**Scams Awareness Campaign 2019 &  
Citizens Advice Scams Action Project**

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**Anneliese Hutchinson, Service Director, Communities and Environment,  
Gateshead Council**

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**Purpose of the report**

To update the Committee on the delivery of the Scams Awareness Campaign in June 2019.

**Scams Awareness Campaign**

1. Scams Awareness is a yearly campaign which aims to create a network of confident, alert consumers who know what to do when they see a scam. This year's campaign took place over two weeks, from the 10th-23rd June and came with a slogan, "Stop, report, tell".
2. The first week looked at the group who have been identified as having the highest detriment from scams (Older people), whilst the second week focussed on those who are now targeted by scams in volume (Life established).
3. Using the available data, the following groups have been identified:
  - **Older people** When looking at those who are most vulnerable to high-detriment scams, older people by far skew the highest in terms of those most affected. 75 is the average age of reported scam victims and those over-70 have the highest detriment from a number of different types of scams. Older people tend to fall victim most to phone and mail scams.
  - **Life established (40's to 60's)** Is the term used for mid-40's to mid-60 age range of people. In terms of raw numbers, this is the group that are most affected by scams. Part of this is due to the fact that they are more likely to report scams, which may be due to their circumstances, e.g. being a homeowner or having access to financial assets
4. Across the region all local authority Trading Standards services engaged with local partners to deliver on the Scams Awareness Campaign.
5. The main aims for this years campaign are:
  - Raising awareness of scams;
  - Emphasising importance of reporting; and
  - Encouraging people to talk and reduce stigma.

## **Citizens Advice Scams Action Project**

6. This is the ongoing project being led by Citizens Advice as a result of the legal action Martin Lewis took against Facebook for publishing scam adverts using his image.
7. Martin Lewis requested that Facebook donate the money to Citizens Advice to deliver a new UK scams action project.
8. This work will primarily focus on helping people who have been – or might become – victims of online scams using a range of channels including online with some face to face support.

## **Project Overview**

9. Increasing public education and awareness about digital scam ads and how to recognise them, building on existing work with partner organisations.
10. Providing one to one tailored support to help people recognise scams, and workign with victims of online scams who need help to get their lives back on track.
11. Exploring and building on existing work on the development of online tools to assist consumers (including victims) with online scams.

## **Project Timeline**

- May 2019 – go live with chat channels for clients in England and Wales to access advice;
- June 2019 – go live of new referral routes to Local Citizens Advice;
- July 2019 – go live with hard copy of education materials for Local Citizens Advice;
- November 2019 – go live with a new chat bot that will help triage clients with scams issues;
- December 2019 – go live with new Scams Action website content;
- January 2020 – go live expanded educational public site.

## **General Scams**

12. The type of scams that consumers may experience, and the types and source of assistance can be accessed through the following:
  - Friends Against Scams is a National Trading Standards Scams Team initiative, which aims to protect and prevent people from becoming victims of scams by empowering communities to "take a stand against scams".
  - 30+ Ways to Stop Scams from Money Saving Expert. This guide explains what to look out for, how to protect yourself, and what to do if you're a victim of a scam.
  - Take Five, is a national awareness campaign led by FFA UK (part of UK Finance), with a range of partners, that urges people to stop and think if what you're being told really makes sense. Visit [www.takefive-stopfraud.org.uk/advice](http://www.takefive-stopfraud.org.uk/advice).

## Online scams

- Visit [www.cyberaware.gov.uk](http://www.cyberaware.gov.uk) for advice on the simple ways the public and small businesses can help protect themselves against cyber-crime.
- Visit [www.cyberaware.gov.uk/toolkit](http://www.cyberaware.gov.uk/toolkit) for free and downloadable materials such as posters and leaflets.

## Mail and phone scams

- Think Jessica, work to protect elderly and vulnerable people from scams which come through the postal system and criminals who contact them by telephone.

## Employment scams

- SAFERjobs offers free advice and help with problems encountered during the job search.

## Investment scams

- ScamSmart is a communications campaign by the Financial Conduct Authority designed to help prevent investment fraud. The website [www.fca.org.uk/scamsmart](http://www.fca.org.uk/scamsmart) gives investors tips on how to spot the techniques used by fraudsters and hosts the FCA Warning List.
- The FCA Warning List is an online tool that helps users find out more about the risks associated with an investment and check a list of firms the FCA knows are operating without its authorisation.

## Pension Scams

- Visit [www.pension-scams.com](http://www.pension-scams.com) to learn more about pension scams, including how to spot the signs and protect yourself and others.

## Property fraud scams

- Visit [www.gov.uk/propertyfraud](http://www.gov.uk/propertyfraud) for HM Land Registry's advice on how to protect your property from fraud.
- Go to [www.gov.uk/property-alert](http://www.gov.uk/property-alert) to sign up to HM Land Registry's free Property Alert service which can help protect your property from fraud.

## Case Study Courier scams

The scam starts with a phone call from the fraudster, pretending to be a bank official or a police officer. The caller may be asked to confirm some personal details that would be fairly easy to find out, such as their name and address.

The fraudster may then give the victim a phone number to call. The phone number is meant to reassure the victim that this is a genuine case and not a scam. If the victim calls the number, it's answered by the fraudster who pretends to be someone else.

Once the fraudster has gained the trust of the victim they will suggest a plausible

scenario, such as some money has been removed from a victim's bank account and staff at their local bank branch are responsible. Suspects have already been arrested but the "police" need money for evidence. Or they will claim a business such as a jewellers or currency exchange, is operating fraudulently and they need assistance to gather evidence.

The fraudster then asks the victim if they will help them with the investigation by doing one of the following:

- Going to their bank and taking out money
- Withdrawing foreign currency from an exchange
- Buying an expensive item for an expert to examine

The victim may be given a 'safe' code word that the courier or expert will say to them so they will know they are genuine. The courier will then turn up to collect the money or expensive object, and say the code word, reassuring the victim once again, that they are genuine.

When the money or object is handed over, the victim is promised that they'll get all the money back or be reimbursed for their purchase. However, the fraudster then disappears, and the victim never receives the money they're owed.

### 13. Press Articles

#### **Chronicle 17 May 2019**

*"Shameless criminals are using a sophisticated courier scheme to scam North East pensioners out of thousands of pounds. Crime groups posing as police officers and bank officials cold call elderly people saying they are due or owe money, then ask the victim to withdraw cash or purchase gift vouchers that'll be collected by a courier.*

*More than 1,630 landlines in Durham, Sunderland and Newcastle were called within the space of one month by a group hoping to extract money from those who answered. Following an investigation, Northumbria Police found 12 victims sent out cash and goods totalling more than £100,000 to fraudsters.*

*Now, the force and the pensioner Mr G, who was contacted by scammers, are warning people to stay vigilant. The Sunderland pensioner was told he was due thousands of pounds from overpaid bank charges - but would need to pay a solicitor's fee through gift vouchers.*

*He said: I got a phone call at half 12 to say that he was from the Government department and I was due some money from a bank refund. It was overpaid bank charges over the last 20 years so I thought straight away there was a rabbit hole.*

*Banks and Government don't cold call either, they send a letter round but not cold call. They put me right on my guard. I was on my guard at the beginning but*

*it made me doubly on my guard for future. I was due for these bank charges and I was going to get a phone call the following day telling us how much I was due and what I would be paid.*

*Whoever rang the next day would ask why I'm getting the refund. The following day I got the phone call and sure enough they asked why I was getting the refund, said what I had to say and that was it. They would get someone out. They told us how much I was due - £3,600. All I had to pay was £200 solicitors fees and I would be getting a phone call the next day telling me how I would be getting it. The next day, he received a phone call telling him to purchase four gift vouchers worth £50 each and someone would collect them from his home”.*

### **Chronicle 28 May 2019**

*“Eight people have been arrested on suspicion of conspiracy to commit fraud following a series of planned warrants in London. The joint operation was carried out between the North East Regional Specialist Operations Unit (NERSOU) and Hertfordshire Constabulary and City of London Police, along with their specially-trained search dog, PD Fred.*

*The arrests followed raids on eight properties across London, Essex and Kent, carried out last Tuesday and Wednesday, in relation to a suspected courier fraud scam which targeted elderly victims across the UK, including Newcastle, Durham and Northumberland”.*

### **Recommendation**

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

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

**27 June 2019**

**Tenant Fees Act 2019**

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**Anneliese Hutchinson, Service Director, Communities and Environment,  
Gateshead Council**

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**Purpose of the report**

To update the Committee on the new role of Trading Standards services under the Tenant Fees Act 2019.

1. The Tenant Fees Act 2019 came into force on 1 June 2019.

**Context**

2. The private rented sector in England is home to 4.7 million households. Letting fees and high deposits are seen as adding to the affordability challenge for tenants seeking to access rented accommodation. The new provisions are seen as sitting within the Government's aim of *"rebalancing the relationship between tenants and landlords to deliver a fairer, good quality and more affordable private rented sector"*.
3. There was previously no cap on the level of fees that letting agents can charge in England, although since 21 May 2015 agents fees have been required to display a tariff of fees.

**Government Proposals**

4. During the Queen's Speech 2017, the Government announced an intention to bring forward a Draft Tenants Fees Bill to tackle *"unfair fees on tenants"* and *"make the private rental market more affordable and competitive"*.
5. Other action the Government is involved with includes:
  - A new requirement for all landlords to be members of a redress scheme to give tenants easier access to dispute resolution;
  - A new requirement for all letting agents to be registered and members of a client money protection scheme;
  - The introduction of banning orders and a database of rogue landlords and agents;
  - Consultation on the benefits and barriers of longer tenancies in the private rented sector.

**Reactions from Interested Bodies**

6. The announcement of the fees ban, and the capping of security deposits was welcomed by organisations such as Shelter, the Consumers Association/Which?

and Citizens Advice. These bodies have actively lobbied for the regulatory/abolition of letting agents fees.

7. Organisations such as the Association of Residential Letting Agents (ARLA), the Residential Landlords Association (RLA) and the National Landlords Association (NLA), whilst expressing support for wider regulation of letting/managing agents to drive up standards, did not support the abolition of letting agent fees.
8. These organisations argued that fees cover essential costs which must be met, and that tenant's rents will increase because of the ban. They also expressed concerns that the removal of the revenue stream will result in agency closures, job losses and less competition. There is doubt expressed within the sector that landlords will accept significant fee increases and that service levels might decline.

### **The main provisions of the new Act:**

9. The only payments that landlords can charge in connection with a tenancy are:
  - the rent;
  - a refundable tenancy deposit capped at no more than five weeks' rent where the annual rent is less than £50,000, or six weeks' rent where the total annual rent is £50,000 or above;
  - a refundable holding deposit (to reserve a property) capped at no more than one week's rent;
  - payments to change the tenancy when requested by the tenant, capped at £50, or reasonable costs incurred if higher;
  - payments associated with early termination of the tenancy, when requested by the tenant;
  - payments in respect of utilities, communication services, TV licence and council tax; and
  - A default fee for late payment of rent and replacement of a lost key/security device, where required under a tenancy agreement
10. If the fee that a landlord is charging is not on this list, it is a **prohibited payment** and should not be charged for. A **prohibited payment** is a payment outlawed under the ban.
11. A breach of the legislation will usually be a civil offence with a financial penalty of up to £5,000, but if a further breach is committed within 5 years of the imposition of a financial penalty or conviction for a previous breach this will be a criminal offence. The penalty for the criminal offence, which is a banning order offence under the Housing and Planning Act 2016, is an unlimited fine.
12. Where an offence is committed, local authorities may impose a financial penalty of up to £30,000 as an alternative to prosecution. In such a case, local authorities will have discretion whether to prosecute or impose a financial penalty. Where a financial penalty is imposed this does not amount to a criminal conviction.
13. A breach of the requirement to repay the holding deposit is a civil offence and will be subject to a financial penalty of up to £5,000.

## **Recommendation**

14. The Committee is asked to note the information.

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