

High Standard

Commercial Team News



Thousands of illegal cigarettes have been found stashed in a hidden compartment in the toilet of a Byker shop. Sniffer dog Scamp uncovered the huge haul during a Trading Standards crackdown in October, with some 6,000 cigarettes discovered.

The hidden compartment was disguised as a wall-mounted cabinet in the shop's bathroom, which when opened revealed a storage space containing the contraband.

The City Council is now warning that criminals are going to "alarming" lengths to conceal their illegal products in sophisticated ways. The stash that was sniffed out in Byker was the biggest during two days of raids carried out on 10th and 11th October.

Councillor Nick Kemp, Newcastle City Council's Cabinet Member for the Environment and Regulatory Services, said: "The sophistication with which we are seeing criminals operate within the city is alarming, but as clever as they think they're being, they are no match for these incredible dogs.

Welcome to the sixteenth issue of the newsletter produced by the City Council's Commercial team.



The Commercial team continues to ensure that all consumers within Newcastle are protected and safe from a wide range of issues which can affect their daily lives. The service also ensures that all businesses within Newcastle are made aware of the legislative developments that govern their activities.

In this issue of High Standard, you can also find out about the positive response the Trading Standards service continues to make to the regional campaign from Fresh Smoke-Free North East which has been relaunched and targets the illegal tobacco trade. Building on local intelligence officers continue to target those businesses and individuals which are prepared to supply illegal tobacco paying no regard to the clear dangers associated with all tobacco.

All this work has led to the seizure of some 100,000 illegal cigarettes since April 2019.

The continuing implementation of No Cold Calling Zones in residential areas of the City is another very positive step in protecting people from rogue traders. There are now some 65 zones implemented across Newcastle, covering some 44,908 homes.

In this newsletter you can also find out how the Service continues to respond to any emerging issues of concern, including the important issue of raising energy standards within domestic and commercial properties in the city. Officers also continue to inform businesses and consumers with changes in legislation, including those now implemented with respect to the licensing of businesses dealing with animals, including pet shops and those designed to protect residents in the private rented housing sector with the implementation of the Tenant Fees Act 2019 on the 1 June 2019.

Councillor Nick Kemp,

Cabinet Member for the Environment and Regulatory Services

In this issue...

Illegal Tobacco	1-3	Tenant Fees Act	9
Cllr Nicholas Kemp	2	Energy Efficiency	10
No Cold Calling Zones	4	Food Safety Prosecution	11
Loansharks	5-6	Animal Licensing	12
Scams	7	Halloween Costume Safety	13
Illegal Tobacco Enforcement	8	Illegal Firework Sales	14-15
		Consumer Advice	16

Illegal Tobacco continued



“Illegal tobacco products are incredibly harmful to our communities. They lead to young people becoming addicted to tobacco, undermine public health efforts to reduce smoking rates, and they have links to organised crime. We will continue to do everything within our powers alongside our partners to stamp out this criminal activity and I hope this sends a clear message to others operating in this way that we will find you and take action.”

During the two days of action in October, council Trading Standards officers and Northumbria Police seized 8,620 cigarettes and 1.35kg of hand-rolling tobacco from criminal operations.

Detective Sergeant Ashley Loader, from the police’s Serious and Organised Crime Team, added: “Under the banner of Operation Sentinel we have executed a number of warrants to disrupt organised crime in our Force area. We have fantastic working relationships with the local authority, and we will work together to utilise all the legislation at our disposal to protect the public. Trading Standards have made a significant seizure today and we were more than happy to support them with their operation.

“This should come as a warning to those who engage in criminal activity. If you have something to hide, we will come knocking at your door.”

If you have information about the sale of illegal tobacco, report it to trading standards by calling 0191 211 6121 or email tradingstandards@newcastle.gov.uk

No Cold Calling Zones

No Cold Calling Zones aim to decrease doorstep crime incidents by specifying a Zone in which doorstep callers are not welcome. Zones are usually defined by window stickers placed in the doors or windows of homes within the Zone area.



Zones range in size in Newcastle to those containing flats within a residential care home through to thousands of homes in a residential estate. They are set up either in response to incidents, local intelligence, or on request - but all follow a comprehensive consultation process.

Zones should meet the three criteria before they can be set up:

- a history of doorstep crime or distraction burglary
- a vulnerable population
- a defined geographical area

The No Cold Calling Zone is an area in which residents have stated they do not wish to receive unsolicited visits to their homes (cold calls) from businesses. The zones are set up by the City Council's Trading Standards Service working in partnership with Northumbria Police and Safe Newcastle.

The main aim of the zones is to reduce the number of unwanted and uninvited callers to households soliciting services or goods, which in turn reduces the number of criminal or civil law offences committed against Newcastle residents.

There are currently some 65 such zones now implemented in Newcastle which cover some 44,908 households in Newcastle across some 23 wards. An extended zone and a new zone have just recently been implemented in the Kenton ward.

The Trading Standards Service is now looking towards the implementation of some further No Cold Calling Zones (NCCZ).

For full details relating to the zones, including maps outlining the extent of the zones, please visit our website at www.newcastle.gov.uk/tradingstandards.

Loansharks

The City Council's Trading Standards service is continuing to work with the England Illegal Money Lending Team (IMLT) to steer residents away from borrowing from loan sharks.



A loan shark is someone who lends money illegally without the correct authorisation from the Financial Conduct Authority (FCA). Loan sharks normally appear friendly at first, but this behaviour soon changes once monies are owed.

It's easy to fall in to the grip of a loan shark; they seem like friendly people at first, someone who you might refer to as a close neighbour or colleague. You might find yourself short for money during the festive season but borrowing from a loan shark could result in you paying back significantly more with extortionate interest rates and threats included. When taking out a loan from an illegal money lender, you will be left in the dark, not knowing much how much money you owe or the amount of interest you're being charged on the loan as often no paperwork is given.

We understand it can sometimes be scary to ask for help, but if you call the England Illegal Money Lending Team's hotline on 0300 555 2222, you can speak to a member of the team anonymously or in confidence. They are there to help, not judge, and will let you know what your options are so you can decide what to do.

In some cases, loan sharks have been known to resort to the most extreme methods to enforce repayment from borrowers. This has involved victims being subject to intimidation, threats and violence, leaving many frightened to leave their own home.

Loansharks continued

The England Illegal Money Lending Team (IMLT) can help people who have been a victim of a loan shark. The national team are a law enforcement agency who work with local Trading Standards authorities across the country to investigate and prosecute illegal money lending and related offences. The team have previously prosecuted loan sharks for other forms of criminality, including drug offences, kidnap and even rape.



The 50-strong team are made up of Investigators who work endlessly to bring loan sharks to justice and LIAISE officers who protect and support victims, and work with several partner agencies to raise general awareness of the issue.

The IMLT have secured more than 380 prosecutions for illegal money lending and related activity, leading to nearly 328 years' worth of custodial sentences. They have written off nearly £72.5 million worth of illegal debt and have helped over 27,000 victims.

Residents are urged to never borrow money from someone if they:

- Have been provided with no or very little paperwork on loans
- Have had debts randomly increase or have had additional amounts added to a loan unexpectedly.
- Have personal items taken as security on a loan (passport, driving license, bank cards)
- Have been subject to intimidation and threats by the money lender.

Residents can check if someone is authorised to lend money by visiting the Financial Conduct Authority's website and searching for a company, person or postcode through their register.

To get help with debt and budgeting, visit your local Citizens Advice Bureau. If you need a cash loan or would like to open a savings account in preparation for Christmas, visit <https://www.findyourcreditunion.co.uk/> to find your nearest credit union.

The message is clear- what may seem like a small loan to tide people over, could end up costing them well into the New Year and beyond. The effect is not just financial; the impact on the lives of victims and their families can be horrific.

One of the most identifiable issues related to doorstep crime for Trading Standards services/Environmental Health services and also the Police Services, is the illegal activities of certain rogue individuals, going door to door targeting the most vulnerable and selling quantities of fish.

When buying fish from door to door salesmen, the consumer very often has no way of knowing how the fish have been stored and whether they are safe to eat. These type of businesses commonly use non-refrigerated vans, and there may be issues with the labelling, quality and descriptions of the fish. It can also be difficult to know whether door to door traders are registered as a food business operator, which is a legal requirement, or if they are adhering to all food safety and hygiene regulations.

There are also concerns that the traders may pressurise residents to buy more than they actually need. The best place to buy fish is from a reputable fishmonger at an established shop or stall or even with a trader with a regular pre-arranged round.

Following concerns about these illegal activities both locally and indeed national the Regional Investigations Team hosted by Redcar & Cleveland BC and funded by National Trading Standards continues to undertake a complex investigation into these illegal activities.

In April 2019 at Teesside Crown Court, a fish salesman who used high-pressure sales techniques to dump bags of smelly seafood on elderly customers was sent to prison. Peter Carroll, 51, preyed on the elderly and vulnerable to sell them "excessive quantities of fish" - enough to fill a 6ft freezer in one case. His firm cold-called old people and charged exorbitant prices for far more produce than they wanted.

One customer asked for four pieces of haddock and ended up with two carrier bags full of fish, Teesside Crown Court heard. Another wanted £30 to £40 worth of fish, only to pay for five carrier bags stuffed with surplus seafood. Householders received smelly and slimy fish, two days before the use-by date on one occasion.

Prosecutor Jonathan Goulding said Carroll targeted the elderly in their homes and sold them unwanted fish. He said Carroll used "exploitative commercial practices" and a "deliberate strategy" for profit.

Carroll collected £1,000 orders from Hartlepool Fish Quay and knocked on doors of sheltered housing and bungalows, even where "no cold-callers" signs were displayed. He and salesmen under his "command" went to victims with serious health problems, one an 85-year-old woman with dementia who left the house once a month.

The business used high-pressure methods making victims feel uncomfortable and unable to say no. One elderly man felt trapped and intimidated after a seller moved to block his door after giving him a price.

Lawyers agreed the trader's benefit from crime was £103,182 and it was agreed Carroll, had £7,970 available to pay from his home, cash and two bank accounts. Recorder, Matthew Happold, ordered him to pay the sum in three months, or go to prison for another five months.

Illegal Tobacco Enforcement



As part of the City Council's Trading Standards Service commitment to the regional illegal tobacco campaign and in support of our work contributing to the "Smoke Free Newcastle" strategy from April 2019 to October 2019 the Service has seized **almost 100,000** illegal cigarettes and **15 kilograms** of illegal hand rolling tobacco during a series of raids. These raids involved inspections of some businesses, residential premises and vehicles.

The latest raids were prompted by several tip offs from members of the public and from the legitimate trade.

A survey published by the tobacco office Fresh found that 54 per cent of children aged 14 and 15, who smoke, say they buy illegal tobacco from sources like "tab houses" and shops, while 73 per cent say they have been offered illegal tobacco.

"Our research has found that illegal tobacco sellers will sell to kids of any age. It's about 54 per cent of the 15-year-old smokers who, when we surveyed them, said they were buying illegal tobacco, so we really don't want our kids getting hooked".

Ailsa Rutter, Director, Fresh

If you have information regarding the sale and distribution of illegal tobacco in Newcastle, please phone 0300 9990000 or visit keep-itout.co.uk

Tenant Fees Act 2019

On the 1 June 2019 the Tenant Fees Act 2019 came into force. 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 Tenant Fees Act 2019 sets out the government's approach to banning letting fees paid by tenants in the private rented sector and capping tenancy deposits in England.

The aim of the Act is to reduce the costs that tenants can face at the outset, and throughout, a tenancy, and is part of a wider package of measures aimed at rebalancing the relationship between tenants and landlords to deliver a fairer, good quality and more affordable private rented sector.

Tenants will be able to see, at a glance, what a given property will cost them in the advertised rent with no hidden costs. The party that contracts the service – the landlord – will be responsible for paying for the service, which will help to ensure that the fees charged reflect the real economic value of the services provided and sharpen letting agents' incentive to compete for landlords' business.

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.

If any business requires guidance on the new requirements, please contact the Trading Standards service on 0191 2116121 or email tradingstandards@newcastle.gov.uk.

Minimum Energy Efficiency Standards

Working in partnership with colleagues from Environmental Health, Public Sector Housing and the Energy team, Trading Standards has been successful in the delivery of a national pilot project to examine the levels with the compliance within the private rented housing sector.

Energy Performance Certificates (EPCs) are needed whenever a property is:

- built
- sold
- rented

You must order an EPC for potential buyers and tenants before you market your property to sell or rent.

An EPC contains:

- information about a property's energy use and typical energy costs
- recommendations about how to reduce energy use and save money

An EPC gives a property an energy efficiency rating from A (most efficient) to G (least efficient) and is valid for 10 years.

Check how you could make your home more energy efficient using the Energy Savings Trust's home energy check at <https://www.energysavingtrust.org.uk/>

How to get an EPC

You'll need to find an accredited assessor if you're selling or renting out your home in the UK. The assessor will carry out a survey of your property and produce the certificate.

The person selling the house, the landlord or the letting agent must show you the EPC if you're buying or renting.

Buildings that don't need an EPC

- These include:
- places of worship
- temporary buildings that will be used for less than 2 years
- stand-alone buildings with total useful floor space of less than 50 square metres
- industrial sites, workshops and non-residential agricultural buildings that don't use a lot of energy
- some buildings that are due to be demolished
- holiday accommodation that's rented out for less than 4 months a year or is let under a licence to occupy
- listed buildings - you should get advice from your local authority conservation officer if the work would alter the building's character
- residential buildings intended to be used less than 4 months a year

Food Safety

The Dobson & Parnell restaurant was recently fined after woman hospitalised with allergic reaction to fish curry. The Quayside restaurant admitted breaching food safety regulations by serving a dish containing peanuts to a woman with a serious nut allergy - an incident which 'could have proved fatal'

One of 90 guests dining at the Quayside eatery during Newcastle Restaurant Week on August 7 in 2018 ordered the "blackened cod in a lightly spiced coconut curry with Chinese greens".

Newcastle Magistrates' Court heard the consumer informed the waitress of her severe allergies and was told the dish she wanted did not contain nuts. But within seconds of starting to eat her lips began to tingle, and her windpipe began to swell. By the time kitchen staff had confirmed the dish contained nuts, she was unable to self-administer her life-saving epi-pen and relied on her partner to treat her.

The consumer was admitted to A&E and ended up cancelling her plans for the week after suffering rashes and vomiting due to a combination of the allergic reaction and the drugs used to treat it. Restaurant staff called 999 and the consumer was treated in an ambulance before being taken to hospital. She later reported the incident to the council in a bid to ensure "this doesn't happen to anyone else".

Company Directors appeared in court as the restaurant was charged with failing to comply with EU provision concerning food safety and selling food not of the nature demanded by the purchaser.

The Solicitor representing the restaurant, said that since the incident the company have reviewed their practices, including training and management of the allergens.

Dobson & Parnell Limited pleaded guilty to selling unsafe food and was fined £4,000, ordered to pay £3,000 compensation to the victim and legal costs amounting to a total of £10,097.50.

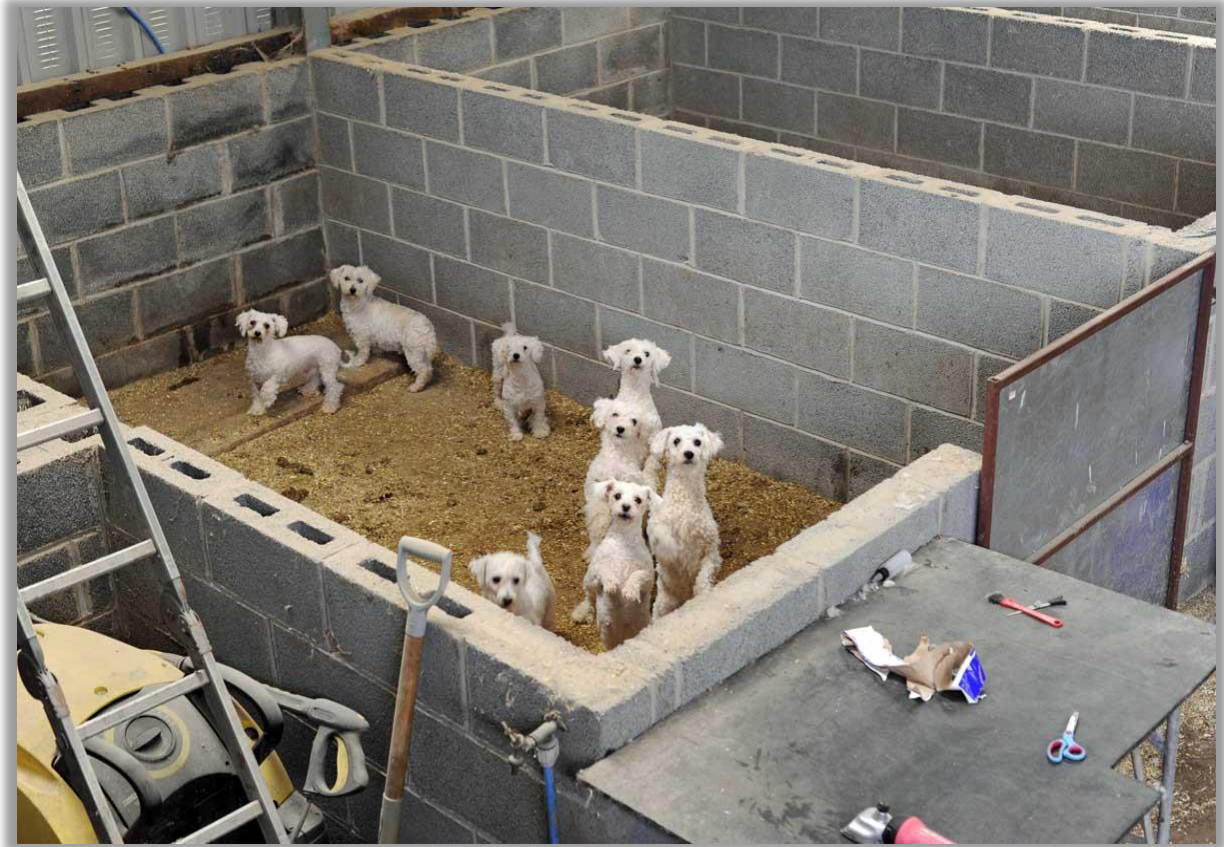
Newcastle City Council's Cabinet Member for the Environment and Regulatory Services, Councillor Nick Kemp, said: "People have died as a result of food allergies in takeaways and restaurants – thank heavens this did not result in another fatality. I can't emphasise enough the seriousness of this case."

If you have concerns over a food business in Newcastle, please don't hesitate to contact us on 0191 2787878 or email psr@newcastle.gov.uk.

Animal Licensing

On the 1 October 2018 the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force.

The new Regulations provide for the licensing of anyone involved in selling animals as pets, proving or arranging for the boarding of cats, hiring out horses, breeding dogs and keeping or training animals for exhibition.



The City Council is the licensing authority for the new legislation, which has replaced the previous registration under the Performing Animals (Regulation) Act 1925, or a licence under the Pet Animals Act 1951, the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 or the Breeding of Dogs Act 1973.

If any business requires further advice on this important legislative change, please contact the Trading Standards service on 0191 2116121 or email tradingstandards@newcastle.gov.uk

Halloween Costume Safety

The City Council continues to raise public awareness of the dangers surrounding Halloween costumes.



Scary but Safe
Don't give yourself too much of a fright this Halloween night.

See that the costume fits properly to avoid trips and falls
Always check costumes for a CE mark, instructions and safety information
Flames should be kept away from the child and costume, or use LED lights
Ensure any masks or hoods don't stop the child from seeing, or breathing

NATIONAL TRADING STANDARDS
Protecting Consumers
Safeguarding Businesses

Department for Business, Energy & Industrial Strategy

CFOA
Chief Fire Officers Association

BRITISH TOY & HOBBY ASSOCIATION

RSPA
accidents don't have to happen

The campaign will inform consumers of the need to buy fancy dress and Halloween costumes from legitimate sources, and check costumes carry appropriate safety labels. Consumers must be aware of the potential dangers that come with fancy dress clothing, especially involving children and open flames.

The key messages of the campaign are as follows:

- Keep children in fancy dress away from naked flames
- Always buy from legitimate sellers and check labelling for safety markings such as the CE mark.

The main rules concerning the sale of fireworks are as follows;

- It is illegal to supply category F2 and category F3 fireworks (including sparklers) to any person under the age of 18, except category F1.
- It is illegal for anyone under the age of 18 to possess category F2 and F3 fireworks in a public place.
- The same penalty applies for breaking down boxes of fireworks to sell fireworks individually.
- If selling category F2 or F3 fireworks, the statutory notice must be displayed
- Businesses selling fireworks must display safety leaflets featuring the Firework Code,
- Businesses could face a fine and/or up to three months in prison if they break the law.
- Businesses must know what is classed as a firework and who you can sell to
- Sparklers are also classed as fireworks and cannot be sold to anyone under 18. Sparklers must be marked 'Warning: not to be given to children under five years of age'.

Know your stock

Fireworks are measured by Net Explosive Mass (NEM), not by price or weight. Businesses must keep a record of the amount of stock they have (by NEM).

Businesses must now also provide the Fire Service with a plan of their building showing the exact place of storage, only that store will be licenced, the fireworks cannot be stored anywhere else without the approval of the Fire Service.

Know your limits

A fireworks licence (without separation) will allow you to store up to 250kg NEM. A licence (with separation) will allow you to store up to 2,000kg NEM under certain circumstances. Do not exceed these limits. To gain a licence to store fireworks please visit www.twfire.gov.uk/community-safety/Business

Businesses could face a fine and/or up to 2 years in prison if you break the law.

Know the dates

Your licence is to STORE fireworks only and you can only SELL fireworks between specific dates:

Event/Dates

- Bonfire Night 15 October – 10 November
- New Year 26 – 31 December
- Diwali - The first day and three days before
- Chinese New Year - The first day and three days before

Illegal Firework Sales continued

Know what you are selling

Your licence allows the storage of Hazard Type 4 (HT4) domestic explosives. You only must have one Hazard Type 3 (HT3) to mean all your stock is classed as HT3, which have much greater restrictions.

Know how to protect your neighbours

You are limited to 75kg NEM of HT4 fireworks if you are next to or in the same building as domestic/sleeping accommodation.

Removal and disposal of commercial waste

It is a criminal offence to dispose of waste illegally. Leaving large quantities of combustible materials in and around your business poses a risk to your property. This could lead to potential arson attacks and materials may be used to start illegal fires in the surrounding area, especially during the Bonfire period.

All businesses should have a waste disposal contract in place. If your waste is above and beyond your normal levels of waste during the Bonfire period, you will need to decide to have it removed by a registered waste carrier.

You could be prosecuted if you do not use a registered waste carrier, or if your waste turns up dumped or burnt. Always ask to see their registration certificate and take a note of the name of the collector and details of their vehicle. You can do a validation check on-line at <https://environment.data.gov.uk/public-register> or over the phone on 03708 506 506

Fly-tipping

Rubbish which is fly-tipped can be ignited. Fly-tipping is illegal, and the penalties are:

- Fixed penalty notice of between £150 - £400
- Summary conviction – maximum fine of £50,000 and/or a 12- month prison sentence.
- On conviction or indictment – an unlimited fine and/or a 5- year prison sentence.

How to report fly-tipping

If you have information about fly-tipping, contact Newcastle City Council on 0191 2787878

- If anyone witnesses a person using a vehicle to fly-tip waste and the offence is on-going, contact the Police on 101.
- If the waste appears to be hazardous or is in/near a watercourse, contact the Environment Agency emergency hotline on 0800 807060.
- The person taking your call will need to know as much information as possible such as the date, time and location of the fly-tipping.

Never put yourself in danger either by handling the rubbish or confronting the fly-tippers.

Consumer advice

If you buy something from a shop, or agree for a person or business to do some work for you, the law gives you certain consumer rights. These are there to protect you from being treated unfairly by a trader or when things go wrong with your purchase.

For example, you may have had a poor standard of work from a builder, if you have having problem switching energy suppliers, or if a shop is refusing to take back a faulty product.

In these instances, the **Citizens Advice Consumer Service** provide the resident of Newcastle upon Tyne with advice and assistance on the behalf of Trading Standards. You can contact them by telephone on 03454 04 05 06 or by visiting their website at www.adviceguide.org, which contains guidance on the likes of purchasing a vehicle, problems with furniture, or buying goods over the internet.

If for example a trader is found to be persistently misleading consumers, or fraudulently trading, the information is then referred back to Trading Standards who will undertake a full criminal investigation.

Newcastle upon Tyne Citizens Advice also provides an advice service on consumer issues, debt, housing, employment and benefits, amongst others.

They can be found at 4th Floor, City Library, Charles Avison Building, 33 New Bridge Street West, Newcastle upon Tyne, NE1 8AX, or can be contacted on 0344 245 1288. Newcastle upon Tyne Citizens Advice have a website www.citizensadvice-newcastle.org.uk and a contact email of citycab@newcastlecab.org.uk.

The **Northumbria University Student Law Office** offers free legal service to members of the public facing a range of legal issues. The service is provided by students who are supervised by qualified professional lawyers from the School of Law staff. The law office deals with over 800 cases annually and have successfully concluded a number of high profile cases. They can be contacted by telephone on 0191 227 3909 or by email at la.studentlawoffice@northumbria.ac.uk. Please note this service is available during term time only.

Consumer champion **Which?** have a website which.co.uk that provides free resources on consumer issues and a number of buying guides and reviews to help consumers how to get the best value for money or provide assistance when problems have occurred. Some of this information may be available by way of their subscription service.

For more information on how to contact Trading Standards

tradingstandards@newcastle.gov.uk

Animal Health and Citizens Advice Consumer Service 0345 04 05 06

Report crime online anonymously at www.newcastle.gov.uk/tradingstandards

If you need this information in another format, please phone Trading Standards on 0191 278 7878.