

High Standard

Trading Standards News



As part of the City Council's Trading Standards Service commitment to the regional illegal tobacco campaign and Operation CeCe in support of our work contributing to the "Smoke Free Newcastle" strategy from April 2021 to October 2021 the Service has seized **123,534** illegal cigarettes and **31.4 Kg's** of illegal hand rolling tobacco during a series of raids. In 2020-2021 we had seized **130,140** illegal cigarettes and **62.15 Kg's** of HRT 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.

Ailsa Rutter, Director of Fresh said "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". **If you have information regarding the sale and distribution of illegal tobacco, please phone 0300 9990000 or visit www.keep-it-out.co.uk**

Illegal Tobacco	1	Scams	9
Botox and Cosmetic Fillers	2	Allergens and Natasha's Law	10
No Cold Calling Zones	3	Animal Licensing	11
PPE and Face Masks	4-5	Halloween Costume Safety	12
Loan sharks	6-7	Illegal Fireworks Sales	13-14
Solid Fuels and Tenant Fees	8	Consumer Advice	15

Botulinum Toxin and Cosmetic Fillers (Children) Act 2021

From 1 October 2021 it is a criminal offence to administer botulinum toxin (commonly known as 'Botox') or a filler by way of injection for a cosmetic purpose to a person under 18 in England, even if they have the permission of someone over 18.

It is also an offence to make arrangements or book an appointment to provide these treatments to anyone under the age of 18 in England.

The purpose of the new law is to safeguard children from the potential health risks of botulinum toxins (commonly known as 'Botox') and cosmetic fillers. The age restriction has been set at 18 years as it aligns with age restrictions in England on other comparable body modifications which carry health risks, such as tattooing, sunbed use and teeth whitening.

The prohibition aims to reinforce existing good practice within the cosmetics industry. The procedures carry risks to physical health, including infection, blindness and in rare cases death, and there are psychological implications associated with changing physical appearance.

Young people are particularly vulnerable as they are developing physically and mentally, and there are ethical implications around the extent to which they can give informed consent to procedures. Many practitioners choose not to perform these procedures on young people, but because the law did not expressly prohibit it, it was possible for a person under the age of 18 to undergo these procedures. This is no longer the case.

Under the Act, it is an offence for a person to administer, in England, to a person under 18 a botulinum toxin or subcutaneous, submucous or intradermal injection of a filler for a cosmetic purpose.

This would not apply where the arranged procedure will be administered by a doctor, or a regulated health professional acting in accordance with the directions of a doctor. Doctors should, as per their usual practice, follow guidance and standards issued by their regulator, the General Medical Council, when considering the use of either product types.

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 50 such zones now implemented in Newcastle which cover some 49,909 households in Newcastle across some 23 wards. Extended zones have recently been implemented in Gosforth and Chapel wards.

The Trading Standards Service continues to look 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.

Personal Protective Equipment

During the pandemic from March 2020, it became very clear that the demand for PPE, significantly increased and Trading Standards services working in partnership with Government, dealt with a number of complaints that certain businesses were not following the legislative provisions in respect of the safety of certain PPE including face masks.

Guidance relevant to face masks that are regulated under PPE, and Medical Devices (MD) legislation and face coverings regulated under the General Product Safety Regulations 2005.

There are three different categories of products, as follows:

- Face masks that are designed to protect the wearer and are subject to the requirements of the PPE regulations.
- Surgical face masks, that are intended to protect others (the patient) from the wearer and are subject to the requirements set out in the Medical Devices regulations; and
- General purpose face coverings, that are not PPE or Medical Devices, these are regulated by the General Product Safety Regulations.

The relevant legislation is EU Regulation 2016/425 on Personal Protective Equipment (the PPE Regulation). PPE must meet the essential health and safety requirements that are set out in Annex II of the PPE Regulation.

PPE is defined by the regulations as “equipment designed and manufactured to be worn or held by a person for protection against one or more risks to that person’s health or safety; interchangeable components for this equipment, or connection systems that are not held or worn but are designed to connect that equipment to an external device or to a reliable anchorage point, that are not designed to be permanently fixed and that do not require fastening works before use.”

The regulations establish three categories of PPE, based on the severity of hazard that the equipment offers protection from, rather than the complexity of the PPE itself. These categories are:

- Category 1: PPE that protects from simple or minimal risks, these are listed in Annex 1 of the Regulations. Manufacturers are able to self-declare conformity. Examples of this category include items such as sunglasses and washing up gloves.
- Category 2: PPE that does not fall into categories 1 or 3. These products requires ‘type approval’ by a notified body, and manufacturers are able to self-declare on production control. The notified body number is not required on the product. Examples of this category include high visibility jackets, bicycle helmets, hardhats, and oven gloves.

Personal Protective Equipment continued

- Category 3: PPE where the hazard may cause serious harm to the health and safety of the user and includes hazards such as biological agents as listed in Annex 1 of the PPE Regulation. Products must normally be 'type approved' and the production control system must be reviewed by a notified body, either through audit or sample testing. Examples of this category include items such as respirator masks and life jackets. All PPE for specific use to protect against the risk of COVID-19 including respiratory face masks, is category 3 PPE.

PPE in the context of COVID-19: easements

The Government has put in place two regulatory easements in relation to COVID-19 PPE from the requirements set out in Regulation EU 2016/425 and issued revised guidance on PPE within the context of COVID-19.

For a limited time, to speed up supply of essential equipment, COVID-19 related PPE can be placed on the market before it has completed conformity assessment procedures, provided it meets essential health and safety requirements in line with Regulation EU 2016/425. However, manufacturers must have contacted a notified body and have begun conformity assessment. The notified body must be in a position to support the claim that the product meets the essential health and safety requirements.

The second easement, also for a limited time, is that any COVID-19 related PPE that is being procured by the Government/NHS for use by healthcare workers does not need to be conformity assessed, providing it has been manufactured either in line with a relevant European Standard, in accordance with a standard referenced in the WHO guidelines or to an alternative technical solution that delivers adequate safety. Equipment procured in this way will be assessed by the MSA, the Health and Safety Executive, against the essential health and safety requirements to ensure it is safe and effective. PPE procured in this way must be offered through the official channels, with contact made through the GOV.UK webform. This route is best suited to large-scale manufacturers.

Within the context of COVID-19, small businesses, individuals, and organisations such as charities and schools are offering PPE for donation or sale. This includes 'homemade' sewn or 3D printed PPE for both workplace and personal use. If such equipment is intended to provide protection and is PPE, OPSS made it clear that such equipment is subject to the same regulations and market surveillance activities as PPE imported and manufactured in any other way.

Officers dealt with a number of enquiries from businesses which had switched to manufacturing PPE and also responded to intelligence received from the OPSS which expressed concerns where suspected illegal PPE had been imported into the UK.

Loan sharks

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 into 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.

Loan sharks 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.

Sales of House Coal & Wet Wood

New laws were introduced in May 2021 with a view to phase out the sale of the most polluting fuels that we burn on our stoves and open fires.

The change will affect the sales of wood fuel, coal, and other solid fuels for use in household fires and will help to address issues that affect climate change, air pollution, and will improve air quality.

The Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020 now provides that:

- **Sales of bagged traditional house coal and wet wood in units under 2m³ unlawful.**
- **Wet wood in larger volumes must be sold with advice on how to dry it before burning.**
- **All manufactured solid fuels must now have a low sulphur content and only emit a small amount of smoke.**
- **In addition, a new certification scheme will see products certified and labelled by suppliers to ensure that they can be easily identified, and retail outlets will only able to sell fuel that is accompanied by the correct label.**

For further related guidance go to <https://www.gov.uk/guidance/domestic-solid-fuels-rules-for-local-authorities-in-england>.

Tenant Fees Act 2019

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

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. Tenants will be able to see at 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 costs of the services provided.

For more details, and guidance for both tenants and landlords, please go to <https://www.newcastle.gov.uk/services/business-and-commerce/business-commerce/trading-standards/fair-trading/guidance-private> or email tradingstandards@newcastle.gov.uk to report any concerns you may have.

Scams are schemes to con you out of your money. They can arrive by post, phone call, text message or email, or from someone coming to your home.

Common schemes include:

Car matching

You place an advert to sell your car and get a call to say an immediate buyer has been found. You are asked to pay an upfront fee which you are told is refundable if the car isn't sold. The car isn't sold, and you aren't refunded.

Doorstep electricity meter credit

If you use a pre-payment meter you are offered cut-price electricity. For example, £50 of electricity is offered if you pay just £25.

Criminals then use cloned keys to top up energy credit illegally. Electricity companies don't get paid for energy used, and you end up paying for the energy twice – first to the fraudsters and then to the company at the correct rate.

Never buy electricity from someone who knocks at the door. Electricity is not sold in this way by companies.

Prize draws, sweepstakes, and foreign lottery scams

You're told that you've won a prize in a competition that you haven't entered. To claim the prize, you have to pay an administration fee. You pay the fee and either get back nothing or get something worth less than the fee you've paid.

Miracle health cures

Miracle health cures or 'scientific breakthroughs' offer your health products to cure a problem such as arthritis, diabetes, or cancer, or to help you lose weight. The seller often promises a no-risk money-back guarantee or a free trial. There are often quotes from doctors and happy customers.

These types of products and medicines are unlikely to do you much good and might even harm you. Talk to your GP before you buy any of these products.

Subscription traps

You see an online advert for a free trial of a product (these are often beauty or health related product like face creams or slimming pills). The advert may be on a reputable site or appear as a pop-up. You enter your card details to pay for postage and packaging but end up being debited large amounts on a regular basis.

You have unwittingly agreed to a 'continuous payment authority' (CPA) - this is an agreement which authorises traders to take money from your account. You might not get your goods, or they might not do what the advert claims.

To report any concerns on scams, contact Citizens Advice Consumer Service on 03454 04 05 06 or visit their website www.adviceguide.org.uk.

Allergens and Natasha's Law

The UK Food Information Amendment, also known as Natasha's Law, came into effect on the 1st of October 2021 and requires food businesses to provide full ingredient lists and allergen labelling on foods pre-packaged for direct sale on the premises. The legislation was introduced to protect allergy sufferers and give them confidence in the food they buy.

This amendment was brought about thanks to the actions of a lobbying group lead by the parents of Natasha Ednan-Laperouse, the teenager who died after suffering an allergic reaction to an undeclared ingredient in a prepacked meal. Due to their efforts, the government confirmed that stronger laws would be implemented to protect those with food allergies and give them greater confidence in the food they buy.

According to the new rules, PPDS (Prepacked for Direct Sale) food must clearly display the following information on the packaging:

- Name of the food.
- Full ingredients list, with allergenic ingredients emphasised (for example in bold, italics or a different colour).

Prepacked for direct sale or PPDS is food that is packaged at the same place it is offered or sold to consumers and is in this packaging before it is ordered or selected. It can include food that consumers select themselves (e.g. from a display unit), as well as products kept behind a counter and some food sold at mobile or temporary outlets.

The change to labelling requirements does not apply to PPDS food sold by means of distance selling, such as food that can be purchased over the phone or on the internet. Businesses selling PPDS food this way will need to ensure that mandatory allergen information is available to the consumer before they purchase the product and also at the moment of delivery.

You must provide allergen information:

- before the purchase of the food is completed - this can be in writing (on a website, catalogue, or menu) or orally (by phone)
- when the food is delivered - this can be in writing (allergen stickers on food or an enclosed copy of a menu) or orally (by phone)

Allergen information should be available to a customer in written form at a point between a customer placing the order and taking delivery of it.

Takeaway meals should be labelled clearly so customers know which dishes are suitable for those with an allergy.

Please report any concerns in respect of allergens to the Food Safety Team 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 at tradingstandards@newcastle.gov.uk

Avian Flu

Avian influenza (bird flu) is a notifiable animal disease. If you suspect any type of avian influenza in poultry or captive birds you must report it immediately by calling the Defra Rural Services Helpline on 03000 200301. Failure to do so is an offence.

If you find dead wild waterfowl (swans, geese, or ducks) or other dead wild birds, such as gulls or birds of prey, you should report them to the Defra helpline 03459 335577, please select option 7.

All bird keepers (whether you have pet birds, commercial flocks or just a few birds in a backyard flock) must keep a close watch on them for signs of disease and maintain good biosecurity at all times. If you have any concerns about the health of your birds, seek prompt advice from your vet.

You should register your poultry, even if only kept as pets, so we can contact you during an outbreak. This is a legal requirement if you have 50 or more birds. Poultry includes chickens, ducks, turkeys, geese, pigeon (bred for meat), partridge, quail, guinea fowl and pheasants.

For further information go to www.gov.uk/guidance/avian-influenza-bird-flu.

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

ROSPA
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 www.environment.data.gov.uk/public-register or over the phone on 03708 506506

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 0808 2231133 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 0808 2231133

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

If you need this information in another format, please email Trading Standards at tradingstandards@newcastle.gov.uk.