



## *TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE AGENDA*

Thursday, 7 October 2021 at 10.00 am in the Bridges Room - Civic Centre

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From the Chief Executive, Sheena Ramsey

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Item	Business
1	<b>Apologies for Absence</b>
2	<b>Minutes</b> (Pages 3 - 6)  The Joint Committee is asked to approve as a correct record the minutes of the previous meeting held on 8 July 2021 attached.
3	<b>Update on the Government Consultation: Reforming Competition and Consumer Policy: Driving growth and delivering competitive markets that work for consumers</b> (Pages 7 - 14)  Report of the Service Director, Economy Innovation and Growth
4	<b>Green Claims - New Trading Standards Responsibility</b> (Pages 15 - 16)  Report of the Service Director, Economy Innovation and Growth
5	<b>Report and Statistical Return for the Quarter Ending September 2021</b> (Pages 17 - 20)  Report of the Strategic Director, Communities and Environment, Gateshead Council

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## GATESHEAD METROPOLITAN BOROUGH COUNCIL

### TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE MEETING

Thursday, 8 July 2021

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

Councillor(s): Councillor J Fletcher, T Graham, I Patterson, Mulvenna, Hunter, L Hobson, Lovatt, Heron and R Porthouse

**TW46 APPOINTMENT OF CHAIR**

RESOLVED – That Councillor K Dodds be appointed as Chair for the municipal year 2021-22.

**TW47 APPOINTMENT OF VICE-CHAIR**

RESOLVED - That Councillor J Fletcher be appointed as vice-chair for the 2021-22 municipal year.

**TW48 CONSTITUTION OF THE COMMITTEE**

RESOLVED - That the constitution of the Committee for the municipal year 2021-22 be noted.

**TW49 APOLOGIES FOR ABSENCE**

Apologies for Absence were received from:

Councillor S Graham – North Tyneside Council  
Councillor J O’Shea – North Tyneside Council  
Councillor C Rowntree – Sunderland City Council  
Councillor P Walker – Sunderland City Council  
Councillor N Dick – South Tyneside Council  
Councillor L Wright – Newcastle City Council  
Councillor M Lowson – Newcastle City Council

**TW50 MINUTES**

RESOLVED - That the minutes of the meeting held on 4 March 2021 be approved as a correct record.

**TW51 PROVISIONAL OUTTURN AS AT 31 MARCH 2021**

The Committee were provided with a report advising of the financial performance of

the Metrology Laboratory 2021 against the budget.

It was noted that due to covid-19 there has been a significant drop in income. However, there has been a vacant post for nearly all of the year and not as much new equipment has been purchased. There was therefore a surplus of £45,000 which will go into reserves with reserves of just under £124,000.

RESOLVED - That the information on the provisional outturn report be noted

**TW52**

**UPDATE ON THE RESPONSE TO ROGUE DOOR TO DOOR FISH SELLERS**

The Committee received a report to update on the regional response to the important issue of Rogue Door to Door Fish Sellers.

When buying fish from door to door salesman 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.

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 nationally, the Regional Investigations Team hosted by Redcar and Cleveland Borough Council and funded by the National Trading Standards Board continues to undertake complex investigations into these illegal activities.

Three mobile fish sellers who defrauded and knowingly misled elderly and vulnerable consumers out of £325,000 have been jailed. 3 men all from County Durham used aggressive sales practices to pressure more than 100 elderly victims out of buying excessive quantities of poor-quality fish at exorbitant prices. The fraudsters deliberately targeted vulnerable and older people living in the North of England and the Midlands, including people with serious health conditions, in the belief that they were less likely to question the sale or complain.

A significant amount of the produce sold by the trio was such poor quality it was unfit for human consumption.

They were sentenced to 5 years, 11 months and two weeks and 13 months and 13 months in prison.

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

**TW53**

**UPDATE ON THE NATIONAL AUDIT OFFICER REPORT: PROTECTING CONSUMERS FROM UNSAFE PRODUCTS**

The Committee received a report to update on the publication on 16 June 2021 of the National Audit Office report “Protecting Consumers from Unsafe Products”.

Whilst most consumer goods consumers buy are likely to be physically safe, unsafe products can cause injury, financial costs and even fatalities. Harm to health and safety can be visible, such as an estimated 3000 UK house fires caused by faulty appliances and nearly 5000 admissions to hospital with injuries from fireworks each year. But harm can also be less obvious, such as toxic or carcinogenic chemicals in cosmetics. There is no data available on the overall scale of harm caused by consumer products or how this has changed over time.

In the UK, general regulations require businesses that make or sell products to ensure they are safe when used normally or in a way that could be reasonably foreseen, but do not require this to be proven to regulators before selling to consumers. Some product types with more risk of safety problems, such as electricals, toys, cosmetics or upholstered furniture, have specific regulations with additional safety requirements or processes.

Until 2018, consumer product safety regulations were enforced entirely by local Trading Standards services (or by environmental health teams in Northern Ireland). These services, which in England spent £143m in 2019-20, sit within local authorities and are locally accountable. They include several regulatory responsibilities, of which product safety is only one. During the 2010s, it was widely considered that this local system was not well-equipped to deal with increasingly complex, national and international product markets. This was highlighted by high-profile problems with Whirlpool tumble dryers identified in 2015, and the fire at Grenfell Tower in 2017 that originated from a fridge freezer.

In January 2018 the Government established the Office for Product Safety and Standards (OPSS), a new office within the Department for Business, Energy and Industrial Strategy (BEIS), to bring national capacity and leadership to product safety issues. The OPSS's product safety operations budget has grown from £10million in its first year to £14m in 2020-21. Its national role includes identifying and assessing product risks and intervening directly on nationally significant, novel or contentious issues. The OPSS works alongside Trading Standards services, which still regulate at local level and undertake most enforcement.

In 2018 the government reformed the product safety regime to strengthen it, including establishing the OPSS as a national regulator. The NAO believes that OPSS has made a good start in addressing the immediate issues it faced: it has made impactful interventions on national issues, including strengthening high-profile recall processes for household appliances, provided new forms of support for local regulators, and developed new databases to prepare for EU Exit.

However, the NAO recognises that the product safety regime faces major challenges to keep pace with changes in the market. There are gaps in regulators' powers over products sold online, local and national regulation is not well coordinated despite improvements and the OPSS does not yet have adequate data and intelligence. The OPSS is currently consulting on how to ensure the regulatory framework is fit for the future. Until it establishes a clear vision and plan for how to overcome the

challenges facing product safety regulation and the tools and data needed to facilitate this, it will not be able to ensure the regime is sustainable and effective at protecting consumers from harm.

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

**TW54 UPDATE ON THE RESULTS OF A REGIONAL SURVEY ON TRADING STANDARDS STAFFING**

RESOLVED – That this item be withdrawn from the agenda.

**TW55 REPORT AND STATISTICAL RETURN FOR THE QUARTER ENDING JUNE 2021**

The Committee received an update report on the work of the Joint Metrology Laboratory for the period to June 2021.

The laboratory has continued to provide a service throughout the pandemic and has not lost any time or productivity. Social distancing has been maintained and full risk assessments applied along with modified working practices to achieve this aim. There are no opportunities to work from home and all staff have been working. The Health and Safety Executive undertook an inspection for the Covid Safety Procedures and no issues were highlighted.

The submissions to the laboratory have not reduced in quantity in comparison with this time last year, as a predominance of the laboratory's clients are in the pharmaceutical and food production industries and need a continuity of service to maintain their production levels.

The laboratory has developed a new Advanced Metrology Module as part of the Chartered Trading Standards Institute's qualification framework and discussions with Northern Ireland are ongoing with the delivery of that module as well as some other matters with regards to training its Weights and Measures officers.

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

**Chair.....**

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

7 October 2021

### Update on the Government Consultation: Reforming Competition and Consumer Policy: Driving growth and delivering competitive markets that work for consumers

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**Anneliese Hutchinson, Service Director, Economy, Innovation & Growth,  
Gateshead Council**

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

To provide Committee with an update on the publication on the 20 July 2021 of the Government's Consultation: "Reforming Competition and Consumer Policy: Driving growth and delivering competitive markets that work for consumers".

#### **Government's Position**

1. The Government's plan for growth sets out a strategy focusing on three pillars of investment – infrastructure, skills, and innovation – as the foundation on which to build the UK's economic recovery and long-term prosperity. This strategy underpins the Government's commitment to unite and level up the UK. Competition and consumer policy have a central role to play in delivering this mission and creating a thriving free market economy. Competition policy is crucial in driving innovation, productivity, and growth, and creating the right conditions for healthy competition between traders in markets. Consumer policy is vital in underpinning consumer confidence so they can engage in those markets in an assured manner, knowing that they have a strong set of legal rights that will be respected and enforced.
2. The Government believes that the UK starts from a strong foundation. The UK has internationally respected competition and consumer authorities. These authorities, the Competition and Markets Authority (CMA) in particular have delivered billions of pounds of benefits to consumers through generating lower prices, better products and services and a firm commitment to upholding consumer rights.
3. The Government believes that our economy capable of delivering long term prosperity requires world class competition and consumer policies. Unfortunately, there is increasing evidence that our competition and consumer policies are failing to keep pace with the challenges of the 21st century. The leading firms in some markets have increased their market power in recent years. There is evidence both internationally from the International Monetary Fund and domestically from the CMA which shows that overall levels of competition have declined in the decades since our legislative framework was last overhauled in 1998, and further since the 2008 financial crisis. The economic effects of the COVID-19 pandemic which have been felt up and down our country is likely to have compounded these challenges.

4. There are markets with stubbornly high levels of consumer harm, where problems are not being resolved, and consumer satisfaction is low. Although consumers in the UK generally trust traders to respect their rights, trust in the market system is on uncertain ground: in one survey, 53% of British consumers agreed with the statement that ‘capitalism does more harm than good’.
5. On top of this, these challenges come at a time of significant change of the UK’s competition and consumer policy. While the UK was a member of the European Union many of the most important decisions affecting competition in UK markets were taken or influenced by the European Commission. Now the UK has full autonomy to decide how we promote competition in our markets for the benefit of our citizens. This provides the competition authorities a newfound freedom to decide what markets or conduct to investigate, and what the best outcomes are for UK markets specifically.
6. Government recognises that the new autonomy brings opportunities, but it also brings additional challenges, especially for the enforcement of competition law in the UK. The CMA will now be conducting more investigations. These will not only be more strategically significant to the UK’s economy, but they are also likely to be more complex than many of the investigations previously undertaken by the CMA. So, the CMA must have the right resources, powers, and procedures to deal with these cases effectively and efficiently to deliver the best outcomes for the UK.
7. Government set out the ambition in Building Back Better: their plan for growth to make the UK’s competition regime ‘best in class’. These reforms seize the opportunity of the UK being able to chart its own way now that the UK has left the EU to deliver that ambition. This package of reforms will also deliver on the ambitions set out in the 2018 Consumer Green Paper, and address reforms to the CMA proposed by the then Chair, Lord Tyrie in February 2019, and by John Penrose MP in his February 2021 report.
8. The reforms in the consultation cover three areas: competition policy, consumer rights, and consumer law enforcement.
9. A separate consultation sets out a vision for the UK’s new pro-competition regime for digital markets, to tackle the unique challenges of fast-moving digital markets and the powers of the new Digital Markets Unit, already operating in non-statutory form within the CMA. The regime will aim to boost competition and innovation by tackling the sources of market power.

## **Competition policy**

10. Government views competition as at the core of innovative well-functioning markets. Promoting healthy competition in markets creates the right incentives for traders to innovate to offer the best deal for consumers to win the most custom, for example by reducing barriers to entry for new firms with new ideas.
11. The UK’s internationally well-regarded competition regime seeks to keep markets competitive by:
  - Preventing businesses from restricting competition.



- Screening mergers to prevent anticompetitive consolidation and maintain rivalry.
  - Intervening in markets to unblock competition.
  - Advising government on how its policies will affect competition.
12. Despite the actions that the UK has taken to promote competition, there is evidence from the CMA that competition in the economy may have weakened over the last 20 years. It is therefore essential that the competition regime does more to encourage and maintain competitive markets.
13. The UK needs a competition policy that delivers greater competition, innovation, and growth in UK markets. Recognising this, government has actively encouraged a debate on the upgrades required, seeking contributions from Professor Furman, Lord Tyrie in his role as Chair of the CMA, and John Penrose MP. They have argued that the regime can be slow and lacking in the powers necessary to prevent harms in the UK's 21st century economy.
14. In response, Government is proposing a package of competition policy reforms to fix the problems identified and ensure that the UK makes the most of the opportunities presented by leaving the EU.
15. The first step to delivering this is a more active pro-competition strategy to deliver more targeted and effective pro-competitive interventions capable of driving new growth and innovation in key UK markets. This includes:
- Adopting the advice of John Penrose's report to use the CMA as a micro-economic sibling for the Bank of England to better monitor the state of competition in key UK markets.
  - Providing the CMA with clearer and more regular steers from government to help align the UK's competition policy with Building Back Better.
  - Requesting advice from the CMA on how competition law can better support the UK's transition to an environmentally sustainable and net zero economy.
16. However, for open, fair, and competitive markets to be created and maintained UK competition authorities must have the tools they need to deliver this. The UK needs a best-in-class competition law system fit for the 21st century and the digital age. To deliver this government is consulting on the following five-point plan to update the UK's competition regime.

### **More effective market inquiries**

17. Reforms here will provide a more efficient, flexible, and proportionate market inquiry process. The reforms proposed include:
- Changes to the structure of the market inquiry process to allow the CMA to tackle harms sooner.
  - Enabling the CMA to use interim measures in market investigations, to prevent potential harm while its investigations continue.
  - Greater flexibility for the CMA to define the scope of market inquiries.
  - New powers to resolve competition concerns more quickly through binding commitments.
  - A more versatile and effective process for remedy design.

- Greater flexibility to monitor and review remedies from previous market inquiries. A rebalanced merger control regime

18. Reforms will provide a more effective and proportionate review process. On most metrics, the UK's merger control system is working well. However, there remains room for improvement. The reforms proposed include:

- Revised turnover thresholds to help reduce the potential burden of merger control on small businesses.
- A new jurisdictional threshold to better address emerging threats to competition such as 'killer acquisitions' in fast-moving markets.
- Reforming the CMA's investigative procedures to make these quicker and more efficient.

### **Reforms to the CMA's Panel**

19. Reforms to the CMA's Panel will deliver faster and more consistent decisions in merger and market inquiry cases. The reforms proposed include:

- A smaller, more dedicated pool of Panel members to help to speed up cases.
- A revised role for CMA Panel members to allow the CMA greater administrative flexibility in investigations. Stronger enforcement against unlawful anticompetitive conduct

20. Stronger enforcement will deliver faster and more flexible investigations which identify and resolve unlawful anticompetitive conduct more quickly. The reforms proposed include:

- Greater incentives for businesses and individuals to inform the CMA of unlawful anticompetitive conduct.
- Stronger interim measures to ensure the CMA can intervene to prevent harm, where this is necessary while investigations are ongoing.
- More effective processes for the CMA to conclude investigations more quickly through agreements with the business under investigation.
- Streamlining the CMA's handling of the evidence it obtains.
- Greater flexibility for the CMA in its decision making.
- Reviewing appeal procedures and standards of review.

### **Stronger investigative and enforcement powers across competition tools**

21. Reforms will deliver more consistent, efficient, and effective investigative procedures across the CMA's competition tools. The reforms proposed include:

- Stronger powers to obtain information and sanction companies which refuse to cooperate or comply with the CMA's investigations and remedies.
- Stronger powers to facilitate more effective cooperation and collaboration between the UK's competition authorities and their international counterparts.

### **Consumer rights**

22. Consumer rights play an essential part in fair, free and competitive markets, providing consumers with the confidence to choose how and where they spend. Fair treatment of consumers must give traders a commercial advantage and those who misbehave must not undermine the commercial success of those who

abide by the law. Now, in the wake of the pandemic, it is especially right to consider opportunities for strengthening consumer rights, where consumer confidence will be critical to the revival of markets. No one should feel they are being left behind or excluded from the benefits of the legislation.

23. The UK operates a concurrency regime for competition law enforcement with sector regulators having the power to carry out competition enforcement in the regulated sectors for which they are responsible. Unless the context indicates otherwise the proposed reforms to the CMA's competition law enforcement powers or procedures set out in this consultation would also apply to the concurrent regulators' competition law enforcement powers or procedures. Consumer protection legislation plays a crucial role in ensuring that competition and markets work for everyone.
24. Markets are continually changing and adapting to new opportunities. These changes bring myriad benefits to consumers in the form of better, more valuable services, and to businesses in the form of growth and higher profits rewarding their innovation. Building on the UK's strong track record of consumer rights must, therefore, be balanced with proportionate requirements for businesses, particularly SMEs. Consumer rights must keep pace with market innovations, so that consumers remain confident engaging with businesses offering new products and services, and markets must retain the flexibility to continue developing and meeting consumers' evolving needs.
25. Government has identified two main developments where there is an opportunity to update consumer rights:

- The rise of online shopping accelerated by the pandemic: There has been a stark increase in online shopping during the pandemic. Websites are increasing the collection and use of consumer data, and some are using this insight unfairly to exploit consumers' behavioural biases, forcing them into purchases they would not have otherwise made – for instance by presenting options in a way that leads consumers to make choices to their potential detriment. Fake reviews are also rife online. This has been a subject of a series of investigations by Which? and by the CMA.
- An increase in subscription contracts: Estimated consumer spending on subscriptions is between £28 billion and £34 billion a year across multiple sectors. While subscriptions can be a convenient and low-cost way to purchase goods, services, and digital content for consumers, they are not without issues. For example, some traders make it too difficult for consumers to cancel a subscription. This can cause ongoing detriment because such subscriptions can auto-renew, sometimes indefinitely, for goods, services, or digital content that a consumer does not need or want.

26. Government is proposing a series of updates to consumer rights to keep pace with these developments.

### **Tackling subscription traps**

27. Tackling subscription traps by strengthening and clarifying the law on pre-contract information so that consumers know what they are signing up for and are given a choice on auto-renewal; nudging consumers so they are aware of

ongoing subscriptions; and making it easier for consumers to exit subscriptions. Amazon reported that their online sales grew by 45% in 2020, their highest growth in 12 years.

### **Preventing online exploitation of consumers**

- Strengthening the law to better prevent posting of fake reviews online.
- Championing 'fairness by design' principles in how online transactions are presented. Better prepayment protections
- Strengthening prepayment protections for consumers by amending the law to mandate that consumer prepayment schemes like Christmas savings clubs have means to safeguard customers' money e.g., through insurance or trust accounts.

### **Consumer Law enforcement**

28. For consumer rights to have an impact on and improve the function of markets, traders must comply with the law and consumers must have confidence that their rights will be respected. To achieve this, traders must have sufficient understanding of the law that they do not accidentally breach the law in a way that harms consumers, and consumers must have the confidence to engage. Consumers and traders must be empowered to resolve disputes between themselves, and state enforcers must have the right powers to step in where consumers and traders cannot resolve disputes.
29. The majority of consumer transactions do not involve any dispute between a trader and a consumer caused by a breach of the law. Where these do arise, either can, in general, bring the dispute before a court for resolution. If this is seen as an unattractive option, there are Alternative Dispute Resolution services like mediation and ombudsman services frequently on offer that provide an easier, lower cost alternative to the courts.
30. Where traders engage in actual or likely breaches of certain consumer protection laws, which harm the collective interests of consumers, the CMA and certain other public enforcers and regulators can bring court proceedings to prevent or stop the breach and obtain redress for consumers.
31. Where a trader has committed a criminal breach of the law affecting the collective interests of consumers, those with the power to investigate and enforce the law include local authority trading standards services who generally take a lead on consumer matters. They generally act independently for issues in their local areas and receive support and coordination from National Trading Standards and Trading Standards Scotland where cases are large and complex.
32. This system generally works and has delivered significant benefits. However, there are remaining weaknesses which are undermining consumer confidence and exposing traders to unfair competition:
  - The CMA and the economic regulators do not have the powers to act quickly and decisively to seek solutions to aid the collective interests of consumer in markets, and there are only weak sanctions available to them to deter breaches of the law.

- The provision and quality of alternative dispute resolution services is patchy and inconsistent, so not enough consumers and traders can benefit.
- **Local authority trading standards services could be better supported to act on behalf of consumers in their local areas and beyond.**
- Despite traders already having access to relevant guidance and advice on their responsibilities, there may be scope for improving the delivery of guidance to better meet traders' needs.

33. Government is proposing a package of reforms to the enforcement of consumer law to address these issues.

### **Stronger enforcement powers for enforcers**

34. Allowing the CMA to decide for itself where consumer law has been breached, which is an approach mirroring their abilities in competition law enforcement.

- Government is seeking views on the scope, decision-making process, and appeals process of this system, including appropriate safeguards to traders.
- Testing the case for extending these powers and abilities to economic regulators.
- Fines of up to 10% of global turnover for traders that breach consumer protection law.
- Sanctions for traders that seek to frustrate, delay, or otherwise not comply with the enforcement process including flouting information gathering powers and breaching undertakings. Supporting consumers and traders to resolve more disputes independently
- Providing more support to consumers in individual disputes with traders by improving consumers' access to arbitration and mediation services, thus avoiding the need to go to court. This includes a proposal to make arbitration/mediation compulsory in the used car and home improvement sectors where consumer detriment is relatively high.
- Improving the quality and oversight of alternative dispute resolution services.
- Improving consumer awareness and signposting.
- Seeking views on making it easier for consumers to band together to seek redress collectively from traders.
- Supporting local authority trading standards services tackling rogue traders
- How national and local enforcement can work together to tackle national scams. Giving businesses the right support to comply with consumer protection law
- Seeking views on whether the current business education offer meets businesses' needs and how it can be improved.

## Recommendation

The Committee is asked to note the information. A response from the region to the consultation has now been submitted.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1004015/CCS001\\_CCS0721951242-001\\_Reforming\\_Competition\\_and\\_Consumer\\_Policy\\_E-Laying.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1004015/CCS001_CCS0721951242-001_Reforming_Competition_and_Consumer_Policy_E-Laying.pdf)

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Contact: Alan Shaw, Sunderland City Council, 07768 578060 or [alan.shaw@sunderland.gov.uk](mailto:alan.shaw@sunderland.gov.uk)

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**7 October 2021**

**Green Claims – New Trading Standards  
Responsibility**

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**Anneliese Hutchinson, Service Director, Economy, Innovation & Growth,  
Gateshead Council**

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**Purpose of the report**

To inform the Committee of a new 'Green Claims Code' published by the Competition and Markets Authority.

**The Code**

1. The aim of the Code is to help businesses understand how to communicate their green credentials while reducing the risk of misleading shoppers. It focuses on six principles which are based on existing consumer law and follows extensive consultation with businesses of all sizes and consumer groups.
2. The CMA plan to carry out a full review of misleading green claims, both on and offline, at the start of 2022. Businesses should check their green claims against the Code and seek legal advice if they are unsure whether their claims comply with the law.
3. Green claims (also known as environmental claims or eco-friendly claims) are claims that suggest that a product, service, brand or business provides a benefit, or is less harmful to the environment.
4. Typically, businesses use these claims when promoting or selling their products or services and they can be advertised in a range of ways. Green claims are genuine when they properly describe the impact of a product, brand, business or service, with evidence to back it up. Claims can be misleading if any information is untrue or hidden, if information is misrepresented or if it is taken out of context.

**Green claims checklist**

5. When making green claims, businesses must comply with consumer protection law. It is also essential to comply with any sector- or product-specific laws that apply to a product or service. Before making a green claim, businesses should understand how their product, brand or business has an impact – both positively and negatively – on the environment for its whole life cycle.
6. When making a green claim, a business should be able to answer 'yes' or agree to each of the following statements:
  - The claim is accurate and clear for all to understand.

- There's up-to-date, credible evidence to show that the green claim is true.
- The claim clearly tells the whole story of a product or service; or relates to one part of the product or service without misleading people about the other parts or the overall impact on the environment.
- The claim doesn't contain partially correct or incorrect aspects or conditions that apply.
- Where general claims (eco-friendly, green or sustainable for example) are being made, the claim reflects the whole life cycle of the brand, product, business or service and is justified by the evidence.
- If conditions (or caveats) apply to the claim, they're clearly set out and can be understood by all.
- The claim won't mislead customers or other suppliers
- The claim doesn't exaggerate its positive environmental impact, or contain anything untrue – whether clearly stated or implied
- Durability or disposability information is clearly explained and labelled
- The claim doesn't miss out or hide information about the environmental impact that people need to make informed choices.
- Information that really can't fit into the claim can be easily accessed by customers in another way (QR code, website, etc.)
- Features or benefits that are necessary standard features or legal requirements of that product or service type, aren't claimed as environmental benefits.
- If a comparison is being used, the basis of it is fair and accurate, and is clear for all to understand.

### **Advice and further information**

7. If a business doesn't comply with consumer protection law, the CMA and other bodies – such as Trading Standards Services or sector regulators – may bring court proceedings. The Advertising Standards Authority (ASA) can also take action for misleading green claims which appear in advertising.
8. If a claim is found to be in breach of consumer protection law businesses can be forced to make changes to their claim or make a payment of redress to any consumers that may have been harmed by the breach. It's therefore recommended that they seek independent legal advice.

### **Recommendation**

9. The Committee is asked to note the information.

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Contact: Tracey Johnson, Gateshead Council on 07925 306840 or [traceyjohnson@gateshead.gov.uk](mailto:traceyjohnson@gateshead.gov.uk)

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**Anneliese Hutchinson, Service Director, Economy, Innovation & Growth,  
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 and operational duties to present.

### **Metrology Laboratory**

#### **Operational**

1. The laboratory has continued to provide a service throughout the pandemic and has not lost any time or productivity and a breakdown of submissions to the laboratory are produced as Annex 1 to this report.
2. The submissions to the laboratory have not reduced in quantity in comparison with this time last year, as a predominance of the laboratory's clients are in the pharmaceutical and food production industries and have appreciated a continuity of service to maintain their production levels.

#### **Aid and Advice to Industry**

3. Local weighing machine repairers, chemical, pharmaceutical and aeronautical companies continue to submit their test weights, scales and length measures for calibration.
4. The laboratory has been giving advice on practical issues facing local companies with regards to UKCA marking amongst other issues.

#### **EC / UKCA Verifications**

7. Only two on-site EC verifications have been conducted since the last report was presented.

#### **UKAS Calibrations**

8. Weights continue to be submitted for calibration and issue of UKAS Calibration Certificates. In the period From April 2021 to September 2021 there were 2,533 submissions and 453 certificates issued.

### **Cigarette Testing**

9. The theft of the air-conditioning at the laboratory has had a detrimental effect on cigarette samples. Samples have had to be returned untested as the tests cannot be completed due to not being able to condition the samples ready for testing in accordance with the relevant standard. Work to provide replacement units is in hand but is taking longer than we'd anticipated.

### **Product Safety**

10. Very few samples have been submitted for testing despite monies being available through OPSS funds to test samples that are manufactured or imported into the region.

### **National Agenda**

11. The laboratory has been contributing to the qualification review and preparing responses to two consumer protection consultations that are out.
12. The laboratory will be delivering the new Advanced Metrology Module as part of the Chartered Trading Standards Institute's modular qualification during October and November.

### **UKAS Issues**

14. The National Measurement Office, for various reasons, is not able to calibrate our standards or any other UK laboratories. We continue to raise our concerns to this situation and as an interim solution have moved our calibration interval for our local standards to a 3-year cycle. This gives NMO time to be back up and running for our standards to be calibrated the following year.

### **Recommendation**

15. The Committee is recommended to note the report.

## Annex 1

Apr-21		May-21		Jun-21		Qtr 2 Totals	
Submissions	Weights	Submissions	Weights	Submissions	Weights	Submissions	Items
22 UKAS M1	188	26 UKAS M1	208	27 UKAS M1	110	75 UKAS M1	506
2 UKAS F2	3	0 UKAS F2	0	2 UKAS F2	3	4 UKAS F2	6
30 UKAS F1	174	29 UKAS F1	78	49 UKAS F1	167	108 UKAS F1	419
19 UKAS E2	96	8 UKAS E2	51	9 UKAS E2	17	36 UKAS E2	164
<b>Total UKAS Submissi</b>	<b>461</b>	<b>Total UKAS Submissi</b>	<b>337</b>	<b>Total UKAS Submissi</b>	<b>297</b>	<b>Total UKAS Submissions</b>	<b>1095</b>
1 Sec 74(4)	1	2 Sec 74(4)	4	3 Sec 74(4)	3	6 Sec 74(4)	8
0 NAWI	0	0 NAWI	0	0 NAWI	0	0 NAWI	0
0 Volume	0	0 Volume	0	0 Volume	0	0 Volume	0
0 Traders	0	2 Traders	2	0 Traders	0	2 Traders	2
0 Verificatio	0	0 Verificatio	0	1 Verificatio	1	1 Verification	1
<b>Total Submissions</b>	<b>462</b>	<b>Total Submissions</b>	<b>343</b>	<b>Total Submissions</b>	<b>301</b>	<b>Total Submissions</b>	<b>1106</b>
UKAS Certificates	73	UKAS Certificates	63	UKAS Certificates	87	UKAS Certificates	223
Non UKAS Certificat	1	Non UKAS Certificat	4	Non UKAS Certificat	4	Non UKAS Certificates	9
Jul-21		Aug-21		Sep-21		Qtr 3 Totals	
Submissic	0 Weights	Submissic	0 Weights	Submissic	0 Weights	Submissions	Items
39 UKAS M1	290	27 UKAS M1	346	11 UKAS M1	141	77 UKAS M1	777
4 UKAS F2	26	1 UKAS F2	8	1 UKAS F2	5	6 UKAS F2	39
41 UKAS F1	136	41 UKAS F1	189	26 UKAS F1	103	108 UKAS F1	428
11 UKAS E2	52	12 UKAS E2	76	14 UKAS E2	66	37 UKAS E2	194
<b>Total UKA</b>	<b>504</b>	<b>Total UKA</b>	<b>619</b>	<b>Total UKA</b>	<b>315</b>	<b>Total UKAS Submissions</b>	<b>1438</b>
0 Sec 74(4)	0	4 Sec 74(4)	3	3 Sec 74(4)	3	7 Sec 74(4)	6
1 NAWI	1	1 NAWI	1	0 NAWI	0	2 NAWI	2
0 Volume	0	0 Volume	0	0 Volume	0	0 Volume	0
0 Traders	0	0 Traders	0	1 Traders	11	1 Traders	11
1 Verificatio	1	1 Verificatio	1	1 Verificatio	1	3 Verification	3
<b>Total Subr</b>	<b>506</b>	<b>Total Subr</b>	<b>624</b>	<b>Total Subr</b>	<b>330</b>	<b>Total Submissions</b>	<b>1460</b>
UKAS Cert	96	UKAS Cert	82	UKAS Cert	52	UKAS Certificates	230
Non UKAS	1	Non UKAS	5	Non UKAS	5	Non UKAS Certificates	11

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