

# BUSINESS SERVICE PLAN OF THE CITY OF NEWCASTLE UPON TYNE'S TRADING STANDARDS SERVICE 2023/2024



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## 1. Introduction

This Business Plan has been developed to outline the key proposed work-streams of the City Council's Trading Standards Service ('the Trading Standards Service') for the period of the 1 April 2023 to the 31 March 2024.

The Trading Standards Service in 2023/2024 reports to the Director of Operations and Regulatory Services, Christine Herriot. The responsible Cabinet Member for the Dynamic City portfolio is Councillor Irim Ali.

The Service is currently staffed by a manager who fills the role as the Chief Trading Standards Officer/Chief Inspector of Weights and Measures, 2.6 (FTE) Trading Standards Officers who are qualified Inspectors of Weights and Measures, together with a Trading Standards Enforcement Officer.

## 2. Foreword

### 2.1 Post Covid 19 Pandemic

It has clearly to be recognised that since 2020 our work was very dominated by the national response to the Covid 19 Pandemic and all regulatory services in their enforcement role have clearly been affected by the need to respond to the issues.

The true effect and importance of these range of additional duties was highlighted in a letter of the 26 January 2021, which was sent to all Chief Executives by the Ministry of Housing, Communities and Local Government (1).

The letter highlighted the work carried out and encapsulated advice on service delivery for Winter 2020/2021 in the following terms:

*"We have heard from many of you about the pressure these services are under. We know that councils were already taking a risk-based approach to regulation following reductions in capacity, and that the demands of COVID-19 and EU transition have stretched the need to do so still further. We have also received feedback that it would be helpful for government to provide a steer on national priorities to help inform local approaches and management of resources across all regulatory areas including licensing, trading standards and environmental health.*

*We have therefore developed a table of existing regulatory services activities, categorised to help support local authority decision-making, included in the Annex. While statutory duties will need to continue to be met across all activities, in some areas government has introduced changes to reduce burdens or streamline activity, and details of these are set out".*

A selection of the regulatory activities now updated Post Covid together with their Government categorisation can still be utilised:

<b>Category of Activity</b>	<b>Service Area</b>
Category A. Please focus effort and resource on these activities.	Product Safety including High priority business critical checks at Border Control Posts (BCP)/ports
Category B. High priority: please continue to deliver these activities wherever	Tobacco and related products enforcement activity

possible, recognising that activities in Category A may take precedence.	
Category B. High priority: please continue to deliver these activities wherever possible, recognising that activities in Category A may take precedence.	Animal health & welfare
Category B. High priority: please continue to deliver these activities wherever possible, recognising that activities in Category A may take precedence.	Consumer protection/scams – vulnerable consumers/Transition/COVID-19
Category B. High priority: please continue to deliver these activities wherever possible, recognising that activities in Category A may take precedence.	Legal metrology reactive work
Category C. Recognition that elements of these activities may be paused or deprioritised following a risk-based approach, and that activity in Categories A and B may take priority.	Legal metrology planned proactive work
Category C. Recognition that elements of these activities may be paused or deprioritised following a risk-based approach, and that activity in Categories A and B may take priority.	Consumer protection/scams work Enforcement of consumer law and business regulation for non-vulnerable consumers, and presenting low risk of overall harm

## 2.2 Other Challenges

The City Council’s Trading Standards Service together with colleagues, from all the services provided by local authorities, clearly recognises that the current challenges faced by the public sector are very demanding and challenging indeed.

In particular the service notes the contents of the following statements which appeared in the document “Local Authority Regulatory Services Budgets 2011-2012” (2).

***“Overall, local authority budgets for service delivery have been cut by 5.7% in 2011/2012, meaning the cut in regulatory services budget is above average”***

***“Trading standards budgets have been hit harder than environmental health, with an overall decrease of 11.4% in budgeted expenditure for trading standards compared to 8% for environmental health (which includes licensing)”***

The Trading Standards Service also notes the contents of the Research Report commissioned by the Department for Business, Innovation and Skills (BIS) and the Trading Standards Institute (TSI) published in February 2015: “The Impact of Local Authority Trading Standards in Challenging Times” (3).

In particular we note the following key recommendations from this report:

***“Recommendation 1: Local authority trading standards services should devise and roll out more campaigning programmes, ideally with the support of national bodies, to raise the Trading Standards Business Service Plan 2023/2024***

public profile of their work, and particularly of the contribution it makes to local public protection and community safety.

*Recommendation 2: Given the prevailing uncertainty about the value of routine inspections in trading standards, and the dearth of reliable and comprehensive evidence in this respect, a national project should be commissioned to sample and measure levels of compliance with legislative requirements across the range of trading standards activities. This project might be undertaken in a single week, and ideally would be repeated each year to enable the compilation of a growing database of patterns and trends. This would then ensure that the outcomes and impact of trading standards interventions are better understood and that calculations could be made of the benefit-cost ratios for each of the different activities.*

*Recommendation 3: The Departments for Business, Innovation and Skills (BIS) and for Communities and Local Government (CLG), together with the Trading Standards Institute (TSI) should collaborate on a project to devise a national framework of measures of outcomes and impact covering the range of trading standard's activities and should propose an appropriate framework for data collection and reporting on a national, as well as local, basis.*

*Recommendation 4: Local authorities should plan budget allocations for trading standards departments on the basis of good information as to workloads, performance (efficiency and effectiveness) and the likely outcomes and impact of any proposed changes in provision. Ensuring the availability of such information to all involved in council budget decision-making should be a key responsibility for each chief trading standards officer.*

*Recommendation 5: Local authority trading standards departments should give careful consideration to the advantages and disadvantages of different organisational models for the future of trading standards provision, including shared service arrangements with neighbours, working in wider regional groupings for certain specialist functions, with private sector service providers, or buying in services from other councils/agencies, and other funding options such as making joint appointments and secondments with other agencies. Whatever the favoured model, priority should be given to ensuring that governance arrangements are such as to engage councillors as actively as possible, both in determining the priorities for trading standards and in overseeing their realisation.*

*Recommendation 6: Local authority trading standards departments should ensure that the pursuit of corporate performance targets, particularly in the on-going challenging financial times, does not unduly conflict with the important goals of supporting and facilitating professional development, and nurturing commitment among staff through the encouragement of initiative-taking, and the sharing of ideas about how best to promote fair and legal trading and so provide better public protection for all".*

The Trading Standards Service also notes the contents of the report published in March 2018 by Age UK: "Applying the brakes" (4) including the following statement:

***"Trading Standards services have a key role to play in tackling fraud but have suffered severe cuts to resources. As a result, there has been a 50% fall in Trading Standards spending in the last seven years. Services now spend an average £1.87 – less than the price of latte – per head every year. If the Government wants to make tackling fraud a real priority it must ensure Trading Standards services have the resources, they need".***

The Trading Standards Service also notes the contents of the report published in February 2021, the Penrose Report: “Power to The People – Stronger Consumer Choice and Competition”. (5), including the following statement:

***“We should create a new statutory duty for minimum standards in LATS teams, including powers to mount antitrust and consumer investigations, and provide ring-fenced resources so they can deliver them well. The new statutory duty should define the outcomes which have to be achieved but leave local Councils to decide how best to deliver them, to allow more local control and creativity. This will also allow LATS to decide whether and how to join forces with their neighbours to tackle regional scams and cartels, in the same way as police forces pool resources in Regional Organised Crime Units at the moment”.***

Notwithstanding the budgetary constraints on all local authority services, the Trading Standards Service will continue to retain its commitment to continue to ensure that the role of the North East Trading Standards Association (NETSA), as the co-ordination partnership body for Trading Standards services within this region continues to develop and progress.

Our common and primary purpose in meeting all our planned objectives is to benefit the City of Newcastle upon Tyne, which primarily involves providing long term benefits to the businesses and consumers, which Trading Standards Services are empowered by a wide range of statutory legislation to advise and protect.

This is structured around the key themed priorities of the City Council as identified in “Delivering for Our Communities: Our Medium-term plan for 2023-2024 to 2025-26” (6).

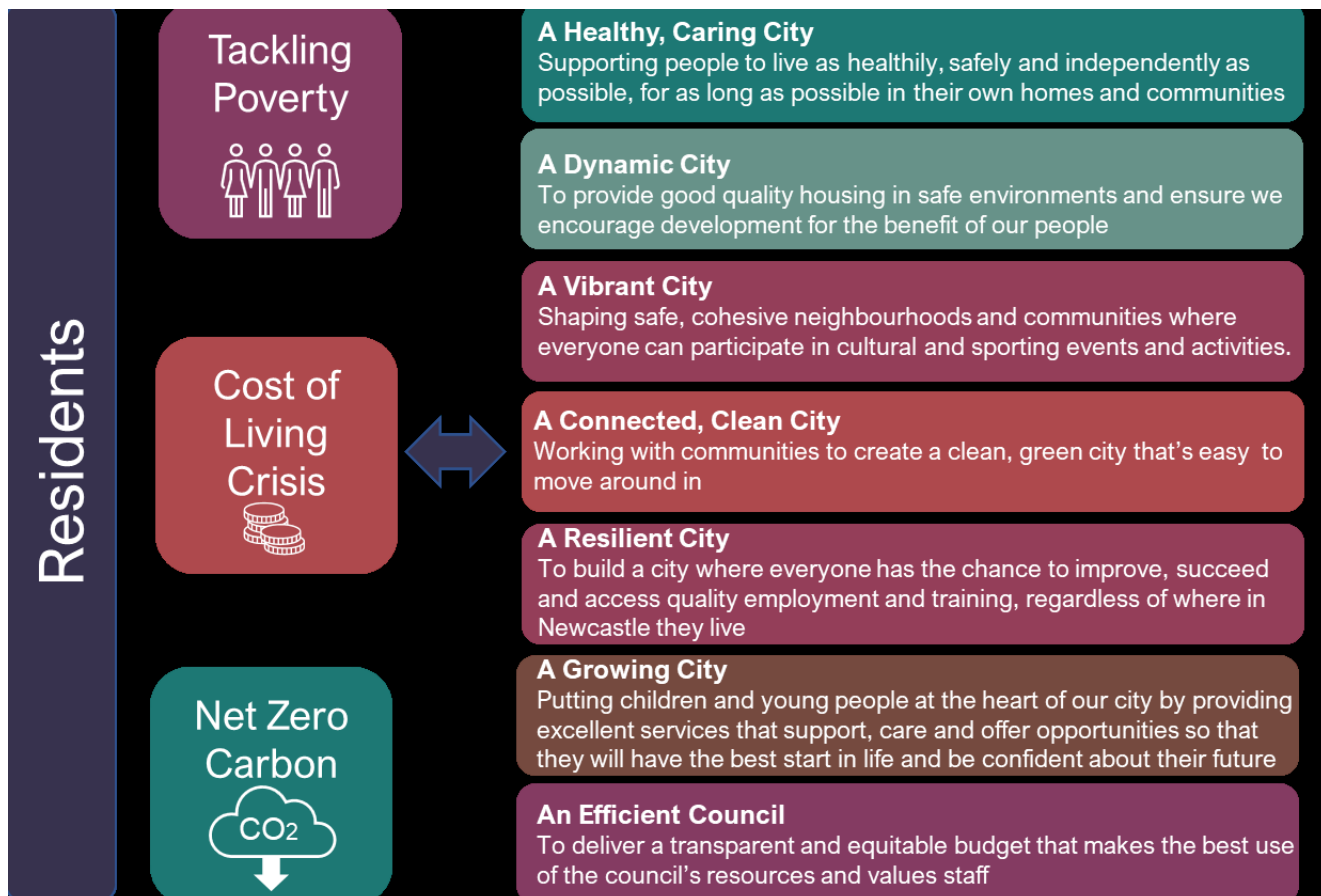
Five key themed priorities were identified in May 2021 within the Newcastle Labour 2021 manifesto: A Proud Record. A Fairer Future. (7).

They are:

- Creating more and better jobs: Employment
- The best learning opportunities for all: Education and skills
- A healthy, caring city: Health and social care
- More and better homes: Housing
- A clean, green, and safe city: The environment

The Business Plan for 2023/2024 was initially formulated at the end of March 2023 and was developed against a background of a deal of uncertainty for both our staff and the Trading Standards Service in respect of:

- The agreement by the City Council of the Authority’s budget on the 1 March 2023.
- *“Our medium-term financial plan sets out how our services will support the delivery of our priorities to residents and the city over the next three years; services we are obliged to provide by law, and those that we choose to provide because our residents and businesses need them”.* (6).



- The Trading Standards Service is very aware that the original proposals, as made by Central Government in 2010, have continued to develop and the pace of change around the national Consumer Landscape, continues to be very fast moving indeed. The Trading Standards Service clearly notes that this transitional period of change may well culminate in changes to the methodology around the delivery of Trading Standards services at a national, regional, and local level in 2023/2024.

The Trading Standards Service will continue to adapt any strategies and related policies it implements around various key documents as developed by Central Government. These policy documents include:

- Decentralisation and the Localism Bill: an essential guide (8)
- Open Public Services White Paper (9)
- Reducing Regulation Made Simple (10)

The Trading Standards Service will continue to adapt any strategies and related policies it implements around various key documents as developed by national bodies and organisations. These policy documents include:

- Empowering and Protecting Consumers (11)
- Protecting Consumers – the System for Enforcing Consumer Law (12)
- Striking a Balance: Reducing Burdens; Increasing responsibility; Earning Recognition (13)
- Priority Regulatory Outcomes: A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services (14)
- Transforming Regulatory Enforcement. Government Response to the Consultation on Transforming Regulatory Enforcement (15)

- Government Response to the Farming Regulation Task Force (16)
- No Stone Unturned. In Pursuit of Growth (17)
- The Public Health Outcomes Framework for England, 2019-2022 (18)
- Northumbria Police. Police and Crime Plan 2021-2025 (19)
- Open for Business: A Shared Vision for Regulation (20)
- Regulators Code (21)
- Remodelling public protection. The Future of council's public protection services (22)
- LGA Trading Standards Review January 2016 (23)
- Cutting Red Tape. Local Authorities. Cabinet Office. March 2016 (24)
- Protecting Consumers from Scams, Unfair Trading and Unsafe Goods. National Audit Office. December 2016 (25).
- Towards a Smoke-free Generation. Tobacco Control Plan for England. Department of Health. July 2017. (26).
- Safety of Electrical Goods in the UK. House of Commons BEIS Committee. January 2018. (27).
- Strengthening National Capacity for Product Safety. BEIS. Strategy 2018-2020. 10 August 2018. (28).
- Protecting consumers from unsafe products. NAO. June 2021. (29).
- Protecting consumers from unsafe products. House of Commons. Public Accounts Committee. 16 September 2021. (30).
- Levelling Up the United Kingdom. Department of Levelling up, Housing and Communities. 2 February 2022. (31).
- The Khan review: Making Smoking Obsolete. 9 June 2022. (32).

The Trading Standards Service remains fully committed to support and position NETSA as the partnership body for the region as an effective and efficient body, acting as it does as a conduit for Central Government, Local Government, Business, Consumers and other partner organisations and bodies.

The Executive of NETSA also remains committed to ensure that effective and efficient services are maintained in the Northeast of England within the Consumer Landscape. The Trading Standards Service will continue to adapt any strategies and related policies it implements around various key documents as developed by the City Council. These policy documents include:

- Safe, Sensible and Social in Newcastle upon Tyne. 2008-2018. (33)
- Smoke Free Newcastle. Tobacco Control Action Plan 2022-2023 (34)
- Safe Newcastle Plan. 2022-2025. (35)
- "Delivering for Our Communities: Our Medium-term plan for 2023-2024 to 2025-26. Newcastle City Council. March 2023." (6).

The City Council's Trading Standards Service also remains committed to adapt its role accordingly to new developments and respond appropriately to these new challenges, as and when they may arise and from whichever direction they may come from.

### **3. Risks**

The City Council under Section 70 of the Weights and Measures Act 1985 (WMA85) (36) shall in respect of each financial year submit a report on its metrological work to the Secretary of State at the Department for Business and Trade (DBT) (Formerly BEIS).

Also, an inspection of the City Council's performance against the legislative Trading Standards Business Service Plan 2023/2024



requirements set out in Section 71 of the WMA 85 (36) may be carried out can be carried out at any time by the Secretary of State. Section 70 reports and the associated action plans are published nationally on the DBT/Office of Product Safety and Standards website.

In addition to potential reputational risk resulting from poor performance, significant failure to ensure a satisfactory level of performance could potentially result in the Department for Business and Trade (DBT) issuing direction to the Council in relation to the delivery of its weights and measures service.

#### **4. Objectives**

The City Council's Trading Standards Service always continues to seek to conduct its affairs in adherence with the principles of better regulation and the various legislative requirements relating thereto. In particular:

- Transparency
- Accountability
- Consistency
- Proportionality
- Utilising Intelligence led targeting

In pursuit of these principles the primary objectives of the Trading Standards Service are as follows:

- Delivering improved regulatory outcomes
- Reducing unnecessary burdens on business
- To maintain a common approach to enforcement policies
- Build safer, healthier, and stronger local communities
- Achieve Consistency in advice and enforcement
- Adding Value
- Transparency

#### **5. The National Enforcement Priorities**

The priorities of the City Council's Trading Standards Service for 2023/2024 have been determined in line with and paying all due regard to the National Enforcement Priorities. The National Enforcement Priorities are as set out in the document published in November 2011 by the Local Better Regulation Office of "Priority Regulatory Outcomes: A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services" (14).

The Services priorities have been primarily focussed around the following five key national priority areas:

##### **i) National Priority One: Support Economic Growth, especially in Small Businesses by Ensuring a Fair, Responsible and Competitive Trading Environment**

The Trading Standards Service intends to continue to strive to deliver effective support for legitimate business and consumers alike. The Service clearly recognises that our key role is particularly important during the particular difficult economic period that is affecting the whole global economy.

## **a) Inspections**

The Trading Standards Service will continue to engage on a risk-based approach, inspections of all the 8190-business premises in Newcastle. These visits include metrology visits undertaken by Inspectors of Weights and Measures to ascertain the accuracy and legality of weighing and measuring equipment such as petrol pumps and scales used in shop premises.

Specifically, our Weights and Measures Inspectors will endeavour to carry out our metrology functions prioritising on the following complaint and inspection and functions:

- The response to weights and measures complaints relating to the short measurement of fuel and other products and commodities,
- The testing on a risk-based basis of the 587 petrol measuring instruments located on the 28 petrol sites in the city,
- The testing on a bi-annual basis of the 95 baggage weighers located at Newcastle International Airport,
- The testing on a risk based basis of the 14 industrial weighbridges in the city,
- The testing on a risk-based basis of the measuring equipment and related legislative compliance within the 461 licensed premises including pubs and restaurants in the city. Some 8200 measuring instruments are in use for trade,
- The testing on a risk-based basis of the weighing equipment and related to the Average Quantity System of the 40 manufacturing plants in the city,
- The testing on a risk-based basis of the weighing equipment and related legislative compliance in the 2800 retail outlets in the city. These include 63 supermarkets on a 3-year inspection programme. Some 1370 weighing machines are in use for trade,

## **b) Enquiries and Complaints**

The Trading Standards Service will continue to respond to all enquiries and complaints as directed through to it. These enquiries and complaints typically come from a number of sources including the post, the trading standards mailbox and from the “Citizens Advice Consumer service”. Typically, in 2022/2023 we received some 4869 enquiries and contacts through from these various sources.

## **c) Financial Inclusion Group**

The Trading Standards Service will continue to develop and promote the value of Trading Standards services around the key work of the Financial Inclusion group.

Specifically, the service continues to recognise the key importance of the following pledges as made with the Labour Administrations Local Government Election Manifesto in 2012: (37).

### ***“Tackling Inequalities***

- ***tackle loan sharks, who prey on vulnerable people in times of need. We will work with the national team to target hotspots where loan sharks operate***
- ***campaign against legal, but extortionate money lending. Some companies charge in excess of 4,000% for pay day loans, encouraging people into debt and trapping them into ever increasing payments***

- *encourage residents who get into debt to seek advice as soon as possible, so that they can be supported by the various financial inclusion and management services that are provided or commissioned by the Council*
- *promote the expansion of Credit Unions as a more affordable approach to managing savings and debt”*

As a result, the Trading Standards Service will continue to:

- *To ensure that the Service actively engages in the sharing of intelligence around the activities of illegal money lenders with the national Illegal Money Lending Team, hosted by Birmingham City Council,*
- *To ensure that the Service continues to promote the work of the national Illegal Money Lending Team, hosted by Birmingham City Council, through local media and other forms of communication,*

Specifically, the service continued to recognise the key importance of the following pledge as made within the Labour Administration’s Local Government Election Manifesto in May 2019 (38).

***“Occasionally there are sickening stories in our local media highlighting the scams that have been carried out on vulnerable older people. We have already introduced a number of ‘no cold calling’ zones across Newcastle, where such scams are more likely to be tried, but we will continue to raise awareness about scams and pursue the perpetrators through Trading Standards”.***

As a result, the Trading Standards Service:

***Continued to ensure that through the work of the Service we actively engaged in the sharing of intelligence around the activities of businesses and individuals engaging in scams and doorstep crime.***

***The Service continues to promote the general awareness of scams with consumers through the development of our programme of No Cold Calling Zones. The Service in 2022-2023 successfully consulted and implemented on the extension and consolidation of a number of No Cold Calling Zones. There are, now a total of 34 such zones now implemented in Newcastle which cover some 81,181 households. Fifteen of our wards: Parklands, Walkergate, Benwell & Scotswood, Kenton, North Jesmond, South Jesmond, Chapel, Dene and South Gosforth, Blakelaw , West Fenham, Byker, Castle, Fawdon & West Gosforth, Kingston Park South and Newbiggin Hall and Gosforth are now completely covered by No Cold Calling Zones.***

#### **d) Counterfeit Products**

The Trading Standards service continued to develop and promote the true value of Trading Standards services to legitimate business around the legislative framework applicable to counterfeit products.

This important area of work was again highlighted in 2022/2023, with the continuing rise in the use of the internet; and specifically, social media sites by individuals setting themselves up to import and distribute counterfeit goods such as footwear and clothing. Acting upon intelligence officers carried out a number of operations to disrupt and end these types of illegal business activities by individuals operating in Newcastle. These operations resulted in the seizure of

considerable quantities of counterfeit goods from both business premises and residential addresses.

### **e) Second-hand Dealer Registration**

The Trading Standards Service will continue to monitor in partnership with Northumbria Police and colleagues from Safe Newcastle, the provisions of the City of Newcastle upon Tyne Act 2000 (39) with respect to the tri-annual registration of second-hand dealers in the city.

### **f) Charity Clothing Collections**

The Trading Standards service, in response to enquiries from residents who raised concerns over the legitimacy of individuals who collect charity bags from their homes in the city will continue to develop this area of work in 2023/2024.

The service recognises that many charities now ask householders for old clothes and other items, which can be sold for charitable purposes. However, not everyone who comes to a person's home, or drops in a plastic bag is operating on behalf of a charity. Some collectors will be operating businesses, asking for unwanted items which can be sold for profit.

### **g) Cash for Clothes**

The Trading Standards service will also continue to monitor the development of a type of business activity which has recently emerged. This new type of trade is the "Cash for Clothes" retail sector, where businesses through the use of shop premises and also mobile vans, purchase quantities of old clothes for cash from consumers.

### **h) Doorstep Crime and No Cold Calling Zones**

The Trading Standards Service will continue to develop and promote the value of the service around the legislative framework applicable to all aspects of Doorstep Crime. In particular this will include the further development and promotion of No Cold Calling Zones in the residential areas across the city.

This operational work will continue to be delivered in close partnership with a range of partner organisations and bodies including, Northumbria Police, Newcastle Citizens Advice Bureau, and the Elders Council.

Specifically, the service continued to recognise the key importance of the following pledge as developed from the Cabinet Report to Cabinet on the 21 January 2019 and made within the Labour Administration's Local Government Election Manifesto in May 2019 (38):

***"Occasionally there are sickening stories in our local media highlighting the scams that have been carried out on vulnerable older people. We have already introduced a number of 'no cold calling' zones across Newcastle, where such scams are more likely to be tried, but we will continue to raise awareness about scams and pursue the perpetrators through Trading Standards". (38)***

***The Newcastle Safeguarding Board developed new guidance in 2021 on the risks to residents from financial abuse. The guidance aims to support***

***practitioners in safeguarding adults from financial abuse. It covers prevention, identification, and responses to financial abuse. (40)***

As a result, the Trading Standards Service:

Continued to ensure that through the work of the Service we actively engaged in the sharing of intelligence around the activities of businesses and individuals engaging in scams and doorstep crime.

Progress the new impetus from the development of the Multi Agency Safeguarding initiative on financial crime. This will include:

- The rolling out of call-blockers to those identified most at risk.
- Positive responses including home visits to those residents identified most at risk by the National Scams team.

***The Service continues to promote the general awareness of scams with consumers through the development of our programme of No Cold Calling Zones. The Service in 2022-2023 successfully consulted and implemented on the extension and consolidation of a number of No Cold Calling Zones. There are, now a total of 34 such zones now implemented in Newcastle which cover some 81,181 households. Fifteen of our wards: Parklands, Walkergate, Benwell & Scotswood, Kenton, North Jesmond, South Jesmond, Chapel, Dene and South Gosforth, Blakelaw, West Fenham, Byker, Castle, Fawdon & West Gosforth, Kingston Park South and Newbiggin Hall and Gosforth are now completely covered by No Cold Calling Zones.***

#### **i) Redress Schemes and Tenant Fees Act 2019 (41)**

The Trading Standards Service recognises that as a University City with a vibrant student population, the importance placed on letting agents to ensure compliance with the various legislative provisions.

#### **Redress Schemes**

Under the provisions of the Consumer Rights Act 2015 (42), letting agents engaging in letting agency or property management working relating to dwelling houses must display:

- a statement of whether they are a member of a client money protection scheme, if they hold client's money,
- a statement that they are a member of a redress scheme, and the name of that scheme, if they are required to be a member.

The requirements are enforced by the Trading Standards service, and we can impose a fine of up to £5,000 where there is identified that there has been a breach of the legislative provisions.

#### **Tenant Fees Act 2019**

On the 1 June 2019 the Tenant Fees Act 2019 (41) was implemented.

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.

The only payments that can be charged for in connection with a tenancy are:

- the rent
- a refundable tenancy deposit, capped at no more than five week's rent where the annual rent is less than £50,000-, or six-week's rent where the total annual rent is £50,000 or above
- a refundable holding deposit (to reserve a property) capped at no more than one week's rent
- payments to change the tenancy when requested by the tenant, capped at £50, or reasonable costs incurred if higher
- payments associated with early termination of the tenancy, when requested by the tenant
- payments in respect of utilities, communication services, TV licence and council tax, and
- a default fee for late payment of rent and replacement of a lost key/security device, where required under a tenancy agreement.

#### **j) Payment Surcharges on Credit and Debit Cards**

The Trading Standards service responded to the implementation of the new legislative provisions on the 13 January 2018, which outlawed businesses payment surcharging on credit and debit cards.

Payment surcharging is when a fee is charged for the use of a particular means of payment, such as a credit card. Consumers are often unaware of these fees until the final stages of a transaction, when a purchase decision has been made.

#### **ii) National Priority Two: Protect the Environment for Future Generations Including Tackling the Threats of Climate Change**

The Trading Standards Service continued to clearly recognise that as enforcement body, it plays a key role in the delivery of key aspects of the "Climate Emergency". On the 3 April 2019, the council declared a Climate Emergency to make Newcastle carbon neutral by 2030.

In response the Service continued to develop and promote the value of Trading Standards Services around the legislative framework applicable to the development of the existing legislation and proposed legislation as it develops as detailed under the provisions of the Energy Act 2011 (43).

#### **a) Minimum Energy Efficiency Standards (MEES)**

From April 2018, landlords of privately rented domestic and non-domestic property in England or Wales must ensure that their properties reach at least an Energy Performance Certificate (EPC) rating of E before granting a new tenancy to new or existing tenants. These requirements will apply to all private rented properties in Trading Standards Business Service Plan 2023/2024

England and Wales – even where there has been no change in tenancy arrangements – from 1 April 2020 for domestic properties, and from 1 April 2023 for non-domestic properties.

**We will continue to enforce around MEES through 2023/2024, which will include the implementation of the legislative requirements for non-domestic properties on the 1 April 2023.**

The Trading Standards Service will continue to respond to all enquiries and complaints as directed through to it. These enquiries and complaints typically come from a number of sources including the post, the trading standards mailbox and from the “Citizens Advice Consumer Service”.

### **iii) National Priority Three: improve Quality of Life by Ensuring Clean and Safe Neighbourhoods**

The Trading Standards Service continues to clearly recognise that as an enforcement body, it plays a very significant role in the delivery of key aspects of the Anti-Social Behaviour agenda. The advice, education and enforcement role of the City Council’s Trading Standards Service has for a number of years, been very much focussed around the key areas of work directly related to the various legislative provisions applicable to a range of age restricted products, which include Alcohol, Tobacco, Vaping Products, Fireworks, Spray Paints, Solvents and Sunbeds.

- These enforcement strategies have been developed to further and respond to the concerns as expressed by local residents and partner agencies, such as Northumbria Police and the Tyne and Wear Fire and Rescue Service.
- These important concerns have developed into key local authority strategies through the active participation by the Trading Standards Services within “Safe Newcastle” as the Crime and Disorder Reduction Partnership for the city and the Health and Wellbeing Board.
- The Trading Standards Service will continue to be involved with Operation CeCe which is the national illegal tobacco project delivered through National Trading Standards on behalf of HMRC.
- The Service remains committed to develop and build on the proven success of all our previous work within the areas of control around a range of age restricted products.
- This key work-stream around alcohol will continue to be based on our continuing engagement with our regional partners, which include the regional alcohol office: “Balance”
- The Trading Standards Service will continue to engage on a risk and intelligence-based approach inspections of all the business premises selling age restricted products in Newcastle.
- The Trading Standards Service will continue to respond to all enquiries and complaints as directed through to it. These enquiries and complaints typically come from a number of sources including the post, the trading standards mailbox and from the “Citizens Advice Consumer Service”.

The Trading Standards Service will continue to commit to the following areas of work around the Anti Social Behaviour agenda:

The continuing development of partnership working and effective liaison with local partners including Northumbria Police, Tyne and Wear Fire and Rescue Service and His Majesty's Revenue and Customs (HMRC).

The continuing development of partnership working and effective liaison with regional partners including "Balance"

- The continuing response to the strategies adopted within the region around the Crime and Disorder agenda and as developed and promoted by the Home Office
- The continuing development of regional intelligence modelling with all those relevant partners including the Northumbria Police, Tyne and Wear Fire and Rescue Service, HMRC and the United Kingdom Border Force (UKBF)
- The continuing monitoring, advice, education, and enforcement for businesses and for consumers in respect of the legislative controls around all the age restricted products, including alcohol, fireworks, aerosol spray paints and solvents
- To continue the development, with partners of new practices designed in effectively dealing with emerging issues around alcohol control
- To continue to monitor all developments with respect to the legislative framework around all age restricted products. These developments may include the development of new methods around age verification, the registration of premises selling tobacco products and also perhaps the raising of the age limit from 18 years of age for the purchase of tobacco products.
- To continue to be engaged as a "Responsible Body" under the provisions of the Licensing Act 2003 (44).
- To continue to monitor the implementation of the related provisions of the Offensive Weapons Act 2019 (45).
- To continue to engage with all relevant partners, with the development of training events around the various legislative provisions related to alcohol and other age restricted products. These partners will include local businesses and their legal advisors

The Trading Standards Service will continue to develop and promote the value of the service around the legislative framework applicable all aspects of Doorstep Crime. In particular this will include the development and promotion of No Cold Calling Zones in the residential areas across the city.

This operational work will be delivered in close partnership with a range of partner organisations and bodies including, Northumbria Police, Newcastle Citizens Advice, and the Elders Council.

The Trading Standards Service will continue to monitor in partnership with Northumbria Police and colleagues from Safe Newcastle, the provisions of the City of Newcastle upon Tyne Act 2000 (39), with respect to the registration of second-hand dealers in the city.

#### **iv) National Priority Four: Help People to Live Healthier Lives by Preventing Ill Health and Harm and promoting Public Health**

The City Council's Trading Standards Service continues to clearly recognise that as an enforcement body, it plays a key role in the delivery of key aspects of the Public Health Agenda. Public Health 'came home' on 1 April 2013 and is being re-shaped to fulfil its



original purpose of tackling inequalities. One of the key documents that outlines the role of local authority services within the delivery of the Public Health agenda is the Public Health Outcomes Framework for England 2019-2022 (18)

The Service clearly recognises this role and also recognises the Governments views around the public health risks associated with alcohol and tobacco and set out in the Government's White Paper: "Healthy Lives, Healthy People" (46) and also, the Government's document "Towards a Smoke-free Generation. Tobacco Control Plan for England" (26).

The Service clearly recognises the proposals contained in the independent Khan Review on "Making Smoking Obsolete" (32) as published in June 2022.

The review makes 15 recommendations for government to achieve a smokefree society. This includes 4 critical recommendations:

1. Urgently invest £125 million per year in a comprehensive smokefree 2030 programme. Options to fund this include a 'polluter pays' levy.
2. Increase the age of sale by one year, every year.
3. Offer vaping as a substitute for smoking, alongside accurate information on the benefits of switching, including to healthcare professionals.
4. For the NHS to prioritise further action to stop people from smoking, by providing support and treatment across all of its services, including primary care.

#### **a) Age Restricted Products**

The advice, education and enforcement role of the Trading Standards Service has for a number of years, been very much focused around the key areas of work directly related to the various legislative provisions applicable to Alcohol, Tobacco, and Vaping Products.

The Trading Standards Service will continue to be involved with Operation CeCe which is the national illegal tobacco project delivered through National Trading Standards on behalf of HMRC.

The Service through the resources available to it remains committed to develop and build on the proven success of all our previous work within the areas of tobacco control and alcohol control.

The Trading Standards Service will continue to engage on a risk-based approach inspections of all business premises in Newcastle.

The Trading Standards Service will continue to respond to all enquiries and complaints as directed through to it. These enquiries and complaints typically come from a number of sources including the post, the trading standards mailbox and from the "Citizens Advice Consumer Service".

The Trading Standards Service in support of the role of NETSA will continue to commit to the following areas of work around the Public Health agenda:

- The continuing development of partnership working and effective liaison with regional partners including "FRESH", the local tobacco alliance "Smoke Free Newcastle" and also the regional alcohol office "Balance"

- The continuing response to the strategies adopted within the region around both the Public Health agenda and also the Crime and Disorder agenda
- The continuing development of regional intelligence modelling and partnership working with all those relevant partners including the regional Police services, HMRC and UKBF
- The continuing monitoring and supporting of businesses to ensure compliance with the legislative changes under the Children and Families Act 2014 (47), related to the implementation of the Standardised Packaging of Tobacco Products Regulations 2015 (48).
- The continuing monitoring, advice, education, and enforcement for businesses and for consumers alike, in respect of illegal tobacco products, including non-duty paid product, niche tobacco products and counterfeit product
- To continue the development, with partners of new practices designed in effectively dealing with emerging issues around tobacco control and alcohol control, including dealing with so called 'proxy sales' of alcohol and tobacco.
- To continue to monitor all developments with respect to the legislative framework around all age restricted products. These developments will include potentially the licensing of premises selling tobacco products.

## **b) Product Safety**

The Trading Standards Service recognises the importance of the report published by the House of Commons BEIS Committee on the 9 January 2018: "The Safety of Electrical Goods in the UK" (27).

The highlights of this Report include:

- *"That reductions in funding for both local Trading Standards and National Trading Standards are inevitably having an impact. This, combined with the devolved and fragmented nature of the current system, is making it difficult for consumers to have confidence in consistent enforcement of required standards across the UK,*
- *The progress on improving the safety of electrical goods has been painfully slow, despite the widely-supported set of recommendations made by Lynn Faulds Wood's review. We recommend that the Government publish a full response by the end of February 2018,*
- *The limitations of the existing system to be exposed by the manufacturer Whirlpool's response to a defect in its tumble dryers. As a result of its slow response, there are still a million potentially dangerous appliances in people's homes. We call on Whirlpool to address this, by ensuring a resolution for customers with defective machines within two weeks of notification,*
- *There appears to be a significant risk associated with plastic-backed fridge freezers, based on the number of fires associated with them and on testing that demonstrates their flammability. We believe that manufacturers should act now to use safer materials in advance of regulatory changes and that these products should be properly marked so that they can be identified following a fire,*
- *In view of the fragmented nature of the existing system and the slow pace of change, we recommend that the Government should carry out an publish a cost benefit analysis of the options for reallocating and concentrating resources, both*

*centrally and locally, with a view to combining into a single national product safety agency”.*

The Trading Standards Service also recognises the Government announcement of the 10 August 2018 with the publication by the Office of Product Safety and Standards of the strategy “Strengthening National Capacity for Product Safety: Strategy 2018-2020”. (28).

Included in the plan are new measures such as:

- a new national incident management team for product safety incidents capable of coordinating large scale product recall and repair programmes
- establishing a new website to support consumers with reliable information and advice about recalled products
- increased support for local authority enforcement teams at ports, borders, and points of entry to ensure the safety of goods that are entering the UK
- close working with manufacturers to ensure they are compliant with safety regulations from an earlier stage of the production process
- developing tools and guidance to assist local authorities in improving risk assessments, identifying mistakes before they happen.

The delivery plan 2020, published alongside the strategy, also sets out several additional commitments for the OPSS including:

- working with white goods manufacturers, gaining assurance that their compliance systems are robust and that they are implementing the Product Recalls Code of Practice
- publishing a Strategic Research Programme, setting out priorities for scientific research into potential product safety risks
- preparing the first national Strategic Assessment to prioritise product safety actions, based on scientific evidence
- working with the Royal Society for the Prevention of Accidents (RoSPA) and public health bodies to further improve injury data collection
- working with the government’s Behavioural Insights Unit to understand how to reach consumers most effectively in product recall scenarios and with wider product safety messages
- encouraging greater diversity in standards committee membership
- supporting consumer awareness campaigns about specific hazards

In terms of the Service’s commitment to ensuring the safety of all consumer products sold in Newcastle, which include toys through to electrical products we continued to carry out on a risk assessed basis, visits to all business premises in Newcastle. The Service also in 2022/2023 continued to support the development of a number of national safety campaigns, with the prime purpose of raising consumer awareness of specific and important safety issues.

The Service also developed its own localised safety campaigns, which included:

- ***The development and promotion of a campaign, in respect of a voluntary ban for small retailers on the sale of Energy Drinks to those under 18.***

#### **v) National Priority Five: Ensure a Safe, Healthy and Sustainable Food Chain for the Benefits of Consumers and the Rural Economy**

The Trading Standards Service continues to clearly recognise that as a partnership body, it plays a key role in the delivery of key aspects in the protection and sustainability of the Food Chain. This recognition is also considered the individual responsibility of the Service for the enforcement of the legislative framework which governs the Food Chain, which often involves a dual enforcement role performed between the Trading Standards Services and the Environmental Health Food Safety Service.

The Trading Standards Service, around the legislative framework applicable to the development of the following existing legislation and proposed legislation as it develops around the implementation of Central Government's Food and Farm policy as directed through the Department for Environment Food and Rural Affairs (DEFRA) and also the Food Standards Agency (FSA):

- The provisions of Animal Welfare legislation in respect of disease control and as applicable to a range of range of farm animals including pigs, cattle, and sheep
- The provisions of Animal By-Products legislation related to both farm premises and also Licensed and registered premises such as pet shops and animal boarding establishments
- The provisions of Animal Feed legislation as applicable to the importation of feed and manufacturing of feed on farm premises and other businesses, including food businesses involved with the distribution and sale of food.

## 6. Government Response to Transforming Regulatory Enforcement

The development and direction of the City Council's Trading Standards Service will also be formulated after all due consideration of the "Government Response to the Consultation on Transforming Regulatory Enforcement" (13).

In particular the Service notes the Governments overall intention, which is set out within this document, to develop "***A different and more mature relationship with business***". The Trading Standards Service also notes the Government's intention to address the following key points:

- It will review all regulators
- It will be presumed that co-regulation be introduced
- It wants to see existing regulatory regimes make much more use of "earned recognition"
- It will work with businesses and local authorities through Local Enterprise Partnerships to promote better local regulation
- It will establish a presumption that regulators should help businesses comply with the law
- It will also clarify that no business should face a sanction for simply asking a regulator for advice
- It will put a new partnership between Government, regulators, and businesses at the heart of the new regulatory system, bringing the expertise of the Better Regulation Delivery Office into Government
- It will extend the Primary Authority scheme to improve the coherence, accountability, and transparency of local regulation
- It will strengthen inspection plans to deliver earned recognition for business,
- It will allow more organisations to participate, within the Primary Authority scheme, benefiting small business

- It will include specific policy areas, which are currently out of scope, within the Primary Authority scheme
- It will retain the Regulator's Code, giving it a higher profile, placing it at the heart of the reviews of regulators and ensuring that it is understood by customers

## 7. DBT Strategy

BEIS/DBT has worked closely with the business sector to identify priority issues on the basis of:

- Impacting positively across the retail sector
- Where there is a legitimate role for Government to act; and
- There is a strong likelihood of success

***“A positive approach to regulation can contribute significantly to economic development and sustainable growth. Good regulation can protect businesses by creating a level playing field and confidence to invest, grow and create new jobs. It is not just regulation that impacts on retail but the enforcement, the Better Regulation Delivery Office's (BRDO) Regulation and Growth paper explores how regulation can sustain economic growth by reducing costs and improving business confidence”.***

Government will work closely with BRDO to improve regulatory delivery and to promote and expand coverage of the Primary Authority Scheme (PA) by:

- ***Promoting a partnership approach between regulators and regulated (Spring 2013)***
- ***Raising awareness campaign of PA amongst retail sectoral trade bodies, local authorities and LEAs (January 2013. Key stakeholders BRDO, LEAs, retail sectoral trade bodies, and the LGA)***
- ***Improving the way regulation of retail is enforced by delivering a common standard of competency and reviewing the Regulators Code. (Key stakeholders BRDO, LEAs, retail sectoral bodies, and the LGA)***

## 8. Regulators Code

The Trading Standards Service carefully notes the publication of the “Regulators Code” (21) by BRDO on the 23 July 2013.

*“In the Autumn Statement 2012 Government announced that it would introduce a package of measures to improve the way regulation is delivered at the frontline such as the Focus on Enforcement review of appeals, the proposed Growth Duty for non-economic regulators and the Accountability for Regulator Impact measure.*

*This Government is committed to reducing regulatory burdens and supporting compliant business growth through the development of an open and constructive relationship between regulators and those they regulate. The Regulators' Code provides a flexible, principles-based framework for regulatory delivery that supports and enables regulators to design their service and enforcement policies in a manner that best suits the needs of businesses and other regulated entities.*

*Our expectation is that by clarifying the requirements contained in the previous Regulators' Compliance Code, in a shorter and accessible format, regulators and those they regulate will have a clear understanding of the services that can be expected and will feel able to challenge if these are not being fulfilled.*

*Regulators within scope of the Regulators' Code are diverse but they share a common primary purpose – to regulate for the protection of the vulnerable, the environment, social or other objective. This Code does not detract from these core purposes but seeks to promote proportionate, consistent, and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate.*

*I believe the Regulators' Code will support a positive shift in how regulation is delivered by setting clear expectations and promising open dialogue. Ultimately this will give businesses greater confidence to invest and grow”.*

**Michael Fallon MP**

## **9. Open for Business: A Shared Vision for local regulation**

At the LGA conference held in July 2013 in Manchester, the strategy document "Open for Business: A Shared Vision for Local Regulation" (20) was launched.

The Trading Standards service fully recognised the statements made in this document and in particular the following:

*“Our ambition is for local government to be able to work with business in a local area to understand risks and determine what level of regulation is appropriate. We believe that trading standards, environmental health and licensing services are well placed to free up businesses from unnecessary regulation and can design and operate a scheme which is right for business and right for their local communities, without central direction and prescription”.*

## **10. Local Government Association Trading Standards Review**

In January 2016 the LGA published its Trading Standards Review (23). The Key messages from this document are:

- Trading Standards should remain fully integrated within local government
- The mechanisms already in place for managing local, regional, and national trading standards work can provide a solid foundation for future management of different levels of trading standards work
- Services managed at scale offer the most sustainable future for local trading standards services
- Whatever the future model, there is a need for much more honesty about which is deliverable.

## **11. Cutting Red Tape: Local Authorities**

The Trading Standards service notes the Government announcement in March 2016 of the Cutting Red Tape Review on Local Authorities (24)

*“Is a government led review led by the Cabinet Office, DCLG and BIS, working together with other government departments and regulators. We want to identify and remove unnecessary*

*regulatory barriers to growth and associated costs placed on businesses by local authorities, while ensuring necessary protections are maintained, and also gather evidence of where regulation imposes unnecessary or avoidable burdens and costs on local government”.*

## **12. National Audit Office. “Protecting Consumers from Scams, Unfair Trading and Unsafe Goods”**

The Trading Standards service notes the publication by the National Audit Office (NAO) in December 2016 of the document “Protecting Consumers from Scams, Unfair Trading and Unsafe Goods” (25).

In particular the following key facts are taken from this report:

- £14.8bn estimated value of consumer detriment that needed to be tackled by consumer protection bodies in 2014-15
- £165m estimated cost of the consumer protection system in 2015-16
- 200 approximate number of different bodies in the consumer protection system
- £1,160 billion spend by UK consumers on goods and services in 2015
- 36% proportion of non-food retail sales conducted online in 2015-16
- 56% reduction in Trading Standards officers since 2009
- 46% reduction in nominal budgets for local authority Trading Standards services since 2011
- 74 average age of a victim of a mass marketing fraud
- £4,500 average financial loss per victim of a mass marketing fraud, aged between 75 and 79 years
- Unknown impact of consumer detriment on the economy.

## **13. Methodology to Be Adopted for the Delivery on the National Enforcement Priorities and Responding to the “Transforming of Regulatory Enforcement”**

In response to the development of key national Enforcement Priorities by DBT/OPSS taken together with the response from Central Government around “Transforming of Regulatory Enforcement” and also the developed local priorities of elected Members; the Trading Standards Service after all due consideration has carefully developed the following priorities for its work through 2023/2024.

The Service now proposes to implement these priorities through the following key areas of work, which together act to form a methodology:

### **i) The New Consumer Landscape**

The City Council’s Trading Standards Service will continue to support the role of NETSA within the Northeast of England. The NETSA Executive acting on behalf of its twelve local authority Trading Standards services, remains committed to the continuing delivery of an effective and efficient partnership body for the Northeast of England.

A fundamental aspect of this programme of work will be to ensure that the City Council’s Trading Standards Service continues to clearly recognise that it is a priority that NETSA continues to be represented at the National Trading Standards Board (NTSB).

## **ii) National Trading Standards**

The NTSB is formed from a group of senior and experienced local government heads of trading standards, representing all trading standards services across England and Wales. Its purpose is to provide leadership, influence, support, and resources to help combat consumer detriment, locally, regionally, and nationally.

NTS now directs the enforcement work currently done regionally by councils and is responsible for allocating government funding, under a grant agreement, for the IMLT's, Scambuster teams, safety of consumer goods at the major ports and provision of a specialist internet crime unit. There is also a high-level oversight mechanism at a political level (via the DBT, the LGA and the WLGA Group).

This proactive engagement has the primary aim to ensure that the twelve local authority's continuing to take an active role, in order to influence the debate around the Consumer Landscape that is ongoing; whilst at the same time to ensure that all of our twelve constituent authorities continue to be engaged with all of the developments around the Consumer Landscape as they take place.

The NETSA Chair in 2023/2024 has been nominated to fulfil the role as the regional representative on the NTSB and the meetings of the NETSA Executive will continue to be programmed in sequence, in order to ensure that the Chair attending the meetings of the NTSB which are programmed every two/three months throughout 2023/2024 continues to provide feedback on the latest developments to the full Executive.

## **iii) North East Trading Standards Association**

Through the work of NETSA the Trading Standards Service continued to liaise and work in close partnership with the full range of organisations and bodies that have a key influence around the Consumer Landscape. These partner organisations include:

- Department for Business and Trade,
- Office of Product Safety and Standards,
- Department of Health and Social Care,
- Department for Food and Rural Affairs, Animal Health,
- Department for Levelling Up, Housing and Communities,
- Home Office,
- United Kingdom Border Force,
- Competition and Markets Authority,
- Financial Conduct Authority,
- United Kingdom Intellectual Property Office,
- Food Standards Agency,
- Illegal Money Lending Team,
- Association of Chief Trading Standards Officers,
- Chartered Trading Standards Institute,
- Chartered Institute of Environmental Health,
- Citizens Advice Bureaux.

NETSA as a partnership body continued to remain fully committed to the delivery, maintenance, and improvement of the regional project teams it has responsibility for. The project teams managed by NETSA in 2023/2024 include the Regional Investigations team,



the Regional Intelligence Analyst and Regional Co-ordination.

#### **iv) Regional Investigations Team**

The Trading Standards Service through the role of the NETSA Executive continues to recognise the importance of regional partnership working as developed through the Regional Investigations Team and working at a local operational level through the twelve constituent local authorities in the Northeast of England. The Regional Investigations Team is currently hosted by Redcar and Cleveland BC.

#### **v) Regional Co-ordination**

The Trading Standards Service through the role of the NETSA Executive continues to recognise the importance of regional co-ordination. The Executive will continue to support the current network that operates nationally. The Regional Co-ordinator is currently hosted by Durham County Council.

#### **vi) Intelligence Led Regional Enforcement Activities**

The Trading Standards Service in 2023/2024 will continue to utilise all relevant risk assessment methods to target criminal activity, which directly affects businesses and consumers in the Northeast of England. In particular the related responses and the delivery of all actions will be very much informed upon by local, national, and regional intelligence, based around the development of national databases.

#### **a) Intelligence Operating Model**

The NTSB developed and published in September 2013 an Intelligence Operating Model (IOM). (49).

*“The IOM is designed to be a comprehensive tool to assist frontline delivery of trading standards regardless of size and resources.*

*At the heart of the IOM is the effective use of intelligence. It aims to achieve a common understanding of the business processes that will help to better coordinate our enforcement efforts nationally, regionally, and locally in England and Wales, focusing on agreed priorities and the issues causing significant consumer and business detriment. Through a problem-solving approach, trading standards will be able to effectively allocate resources to target the greatest problems and this will be a familiar approach to trading standards. It can be used to help shape the development of local authority services.*

*The IOM is about the identification and assessment of threats, risks and harm and we will refer to them throughout this document as ‘problems’, it is about the management of prioritised problems through enforcement and other activity; and the review of the effectiveness of measures taken. It is designed to provide a structured approach to decision making.*

*The IOM will help to provide processes to enable the NTSB National Tasking Group (NTG), to effectively deal with referrals, task work out and provide resources to deliver this work”.*

The regional Investigations team has appointed a Regional Intelligence Analyst with the clear intention to maximise all intelligence streams across the region and nationally. The Trading Standards Service has nominated an officer to fill the important role as a Local Trading Standards Business Service Plan 2023/2024

Intelligence Liaison Officer (LIL); to ensure the effective sharing of all relevant data and intelligence and the tasking of the Regional Investigations team through the Regional Tasking Group (RTG) to effectively and efficiently tackle both level 2 and level 3 Crime.

### **vii) Achieving Consistency in Advice and all Enforcement Matters**

Through the role of NETSA the Executive has agreed to maintain its Specialist Technical groups. These Specialist Technical groups have been primarily set up to ensure that businesses throughout the Northeast of England receive consistent and uniform advice in respect of all the legislative provisions as enforced by Trading Standards Services. The main Specialist Technical groups that have been formed are:

- Metrology
- Fair Trading
- Product Safety (including Age Restricted Products)
- Animal Health and welfare and Feed Hygiene

The Trading Standards Service through the role of the NETSA Executive also continues to recognise that there are also a number of partnership groups, which due to the nature of service provision across the twelve local authorities in the region, are formed with representation from both Environmental Health services as well as Trading Standards services. Specifically, these include groups around Companion Animals, Licensing (alcohol, gambling, taxis, and street trading) and Food Safety law.

The NETSA Executive also will also utilise the services of short term 'task and finish' groups, which will be formed to respond to specific tasks, such as consultation documents received from partner bodies and organisations. These 'task and finish' groups will be resourced from a small number of specialised officers from within our local authorities.

The NETSA Executive continues to be very aware of the changes that have taken place with respect to the support services provided by the Local Government Association (LGA). NETSA remains seriously concerned that the changes that have taken place in the structure of the highly specialised consultation and co-ordinating services provided by the LGA have and continue to have serious consequences on local authority Trading Standards services.

The Executive is aware of the development of various Communities of Practice that have emerged with support from various partner bodies, for example the national Metrology group which has continued with support from the National Measurement Office (NMO) and the Product Safety group which has continued with support from the Office of Product Safety and Standards.

Based on the overall uncertainty around the future role and responsibilities of the support provided by the Local Government Association (LGA), the Trading Standards Service through the role of the NETSA Executive will continue to monitor the structures and related responsibilities of all the Specialist Technical groups.

The Specialist Technical groups will meet when sufficient business is generated to require a meeting. Other issues around co-ordinating and specialised technical matters raised from Government Departments and organisations and from within the region will generally be resolved by the use of various communication methods, including E-mail.

The NETSA Executive will ensure that it develops new partnership arrangements with key organisations including local Citizens Advice Bureaux and Age UK. These new arrangements will ensure that the advice and information that Trading Standards services offer around Doorstep Crime and Scams is both consistent and that in terms of delivery we continue to add value and avoid any potential that work in this important area is duplicated.

### **viii) Tyne and Wear Joint Trading Standards Committee and the Metrology Laboratory**

The City Council's Trading Standards Service continues to recognise the important role that the Tyne and Wear Joint Trading Standards Committee has played since 1986 in the Co-ordination and monitoring the work of the Trading Standards Services delivered by the five local authorities within Tyne and Wear.

Specific importance is placed on the operation of the Metrology Laboratory as hosted by Gateshead MBC. The Metrology Laboratory offers a support service package to each of the local authorities in Tyne and Wear through its specialised metrology functions. It also allows the authorities to fulfil their statutory requirements under the provisions of the Weights and Measures Act 1985. The Metrology Laboratory also provides for the screen testing of a wide range of consumer products, including toys and electrical products.

The Metrology Laboratory also provides a calibration service for weights and other devices for measurement to a wide range of business across the region and nationally.

### **ix) Transforming Regulatory Enforcement**

The Trading Standards Service together with NETSA and the Northeast Public Protection Partnership (NEPPP) will continue to work with our all-key partners and in particular the Office of Product Safety and Standards to further improve upon the work of NETSA in this field.

The development and direction of the Trading Standards Service will also be formulated in line with the publication of the "Government Response to the Consultation on Transforming Regulatory Enforcement" (13).

The Trading Standards Service alongside our other partners as represented by the North East Public Protection Partnership (NEPPP) will continue to strive to develop a common enforcement policy across all of our constituent authorities. We will also remain committed in the continuation of the work to embed methodologies related to "impacts and outcomes" into the working practices within our constituent authorities.

## **14. Office for Product Safety and Standards.**

### **14.1 National Audit Office Report: Protecting consumers from unsafe products. 16 June 2021. (29)**

*"The OPSS has made a good start in strengthening the regulatory regime since its creation in 2018. It has made impactful interventions that have protected consumers from harm, including removing potentially dangerous products during COVID-19. However, ensuring regulation keeps pace with emerging product safety issues is a major challenge. Regulators do not have the powers they need to enforce online and the OPSS lacks the data and intelligence it needs. The OPSS must use its review of the product safety regime to ensure it is fit for the future."*

*Gareth Davies, the head of the NAO*

## **14.2. House of Commons. Public Accounts Committee Report. Protecting consumers from unsafe products. 16 September 2021. (30).**

*“The consequences of unsafe products are serious and not to be under-estimated. The Grenfell Tower fire started from a faulty fridge freezer, and serious or even fatal injuries have been sustained by children playing with dangerous toys. The nature of safety risks to consumers are changing significantly and fast, with one third of products now bought online, and 15% of products including smart technology that may be susceptible to hacking. In addition, the growth of home sellers means that there is an additional challenge in helping businesses understand their responsibilities. The Office for Product Safety and Standards (OPSS) was established in 2018 to try and tackle these challenges, however, there is more to be done to provide suitable protection for consumers and future proof against these fast-emerging changes.*

*Crucially, the OPSS’s data and intelligence are limited and do not yet support it too fully understand risks to consumers and respond in a proactive and timely way. For example, its response to safety problems from small high-powered magnets, which caused 40 paediatric admissions in the UK in 2020 alone, was slowed by data limitations. It is also not yet doing enough to communicate regulatory responsibilities to businesses and product safety risks to consumers, and it needs to coordinate its activities more effectively with local regulators, other government departments and international partners.*

*There are also weaknesses in the overall regulatory regime that mean it is not fit to address the challenges, it faces. These include important gaps in the regulatory framework, such as regulators’ powers to effectively regulate goods sold online. There are serious challenges for regulators’ skills and capacity, particularly in light of a 39% real-terms funding reduction for local Trading Standards services in the past 10 years and new responsibilities for both national and local regulators following EU Exit.*

*Trading Standards’ capacity varies significantly between local authorities and yet this public facing and local element of regulation is a vital part of the system and needs to be funded accordingly. Government has a good awareness of the key issues but lacks a detailed plan to ensure the future direction of UK product safety regulation will be fit for purpose. The additional responsibilities for safety of building materials are also, significant and it is vital that the OPSS is properly funded to develop this new responsibility quickly and effectively”.*

## **15. The Levelling Up Agenda (31)**

The Government published its National Policy Paper on the 2 February 2022.

*“The United Kingdom is an unparalleled success story – a multi-cultural, multi-national, multi-ethnic state with the world’s best broadcaster; a vibrantly creative arts sector; a National Health Service which guarantees care for every citizen; charities and voluntary groups which perform a million acts of kindness daily; globally renowned scientists extending the boundaries of knowledge every year; entrepreneurs developing the products and services which bring joy and jobs to so many; and millions of citizens whose kindness and compassion has been so powerfully displayed during the COVID-19 pandemic.*

*But not everyone shares equally in the UK’s success. While talent is spread equally across our country, opportunity is not. Levelling up is a mission to challenge, and change, that*

*unfairness. Levelling up means giving everyone the opportunity to flourish. It means people everywhere living longer and more fulfilling lives and benefitting from sustained rises in living standards and well-being. This requires us to end the geographical inequality which is such a striking feature of the UK.*

*It needs to begin by improving economic dynamism and innovation to drive growth across the whole country, unleashing the power of the private sector to unlock jobs and opportunity for all. While there are world-leading and enterprising businesses and innovators right across the UK, economic growth and the higher productivity which drives it has been over-concentrated in specific areas, particularly the Southeast of England. A long tail of low-productivity businesses and places explain why UK productivity growth is too low compared to competitors”.*

### **a) North of Tyne Devolution**

The Trading Standards Service recognises the importance of the devolution deal involving Newcastle City Council, Northumberland County Council and North Tyneside MBC.

As well as receiving devolved powers, the North of Tyne area has also got:

- Full control over the adult education budget
- An Inclusive Growth Board to coordinate skills and employment
- Collaboration with government to boost trade and investment, digital infrastructure, and rural growth across the area.

### **b) North East Mayoral Combined Authority (MCA)**

The Trading Standards Service recognises the importance of the proposed devolution deal involving Newcastle City Council, Northumberland County Council, North Tyneside MBC, the City of Sunderland, Gateshead MBC, South Tyneside MBC and Durham County Council.

“New money and powers over skills, transport and housing will be devolved to local leaders in the North East, the Levelling Up Secretary has announced today (28 December 2022). If approved following a local consultation, people across Northumberland, Newcastle, North Tyneside, Gateshead, South Tyneside, Sunderland, and County Durham will also be given the power to directly elect a Mayor of the North East. This person can act as a local champion who can help attract investment to the area and act as a powerful local voice in discussions with central government and other bodies.

The government will guarantee the new North East Mayoral Combined Authority (MCA) more than £1.4 billion over the next 30 years which will enable the new Mayor and the councils to plan for the long term, with certainty, and unlock the benefits of devolution for 2 million people living in the area”. (50)

## **16. Advice to Business**

The Trading Standards Service in delivering its key priorities has recognised and continues to do so, the importance of providing relevant and timely advice to all the diverse businesses in Newcastle and which is fundamental to ensuring that:

- The Service provides news on the latest changes to legislation to allow businesses to adapt and modify trading practices to ensure compliance,
- Such timely updates also allow businesses to continue to remain competitive in their

marketplaces,

- Such timely updates also ensure protection for consumers affected by changes in legislation, specifically related to the safety of consumer products.

To this end this Service, although still able to deploy documentary means of reaching businesses in Newcastle will continue to develop its work and commitment to the enhancement of the various webpages placed on the City Council's internet site.

The Trading Standards Service will continue to actively promote partnership working with the business community in the Northeast of England. In particular the twelve constituent local authority services will continue to engage with the local branches of the Federation of Small Businesses and also to carefully monitor the development and related implications for our services, with the emergence of the two Local Enterprise Partnerships in the region.

## **17. Advice to Consumers**

The Trading Standards Service in delivering its key priorities has recognised and continues to do so, the importance of providing relevant and timely advice to consumers and which is fundamental to ensuring that:

- The Service through related links to allow consumers to become better informed and more confident of their contractual rights in the marketplace,
- Such timely updates ensure protection for consumers affected by changes in legislation, specifically related to the safety of consumer products.

To this end this Service, although fully aware that the City Council no longer provides a Consumer Advice Service, which is a service now provided by Newcastle Citizen's Advice; is still able to deploy various means of advising consumers in Newcastle around criminal matters, specifically through the media, will continue to develop its work and commitment to the enhancement of the various webpages placed on the City Council's internet site to update and inform consumers.

## **18. Campaigns**

The Trading Standards Service through in delivering its key priorities has clearly recognised and continues to do so, the importance of continuing to develop its project and campaign work, providing responses to all concerns that are brought to the attention of the Service from a variety of sources. These sources include:

- Information and concerns expressed by locally elected Members, the three Newcastle MPs and the Northumbria Police and Crime commissioner,
- Information and concerns expressed by consumers and residents in the city,
- Information received via national panels set up with external partners at a national level. These typically include Government Departments such as the DBT, DEFRA and the Home Office,
- Information received from other Trading Standards Services as delivered by Government Departments and Local Authorities across the United Kingdom,
- Information received from other Trading Standards Services forming NETSA as the partnership body for the region,
- Information and concerns expressed by external partners in the city including Northumbria Police, HMRC, DEFRA, Age UK Newcastle, and Newcastle Citizens Advice,
- Information and concerns expressed by other professional colleagues within the local authority including colleagues from Safe Newcastle, Licensing and Environmental Health.

Based on the information and various trends and developments that are presenting currently to the Trading Standards Service the following campaigns will continue to be developed by the Service through into 2023/2024:

- Doorstep Crime & No Cold Calling Zones. Specifically work across the region will continue to be developed with Northumbria Police and the National Scams team.
- Illegal Tobacco
- Illegal Vaping Products and underage sales of such products.
- Illegal Alcohol
- Illegal Money Lending
- Bogus Charity Bag Collections
- Sales of Energy Drinks

## **19. Communications**

The Trading Standards Service through in delivering its key priorities has clearly recognised and continues to do so, the importance of continuing to develop its role in the communication to businesses and consumers of the work it becomes involved with and specifically in the promotion of its project and campaign work.

This communication strategy will involve the continuing development of a number of key themes:

- The continuing development and updating of information on the webpages assigned to Trading Standards and Animal Health and Welfare,
- The continuing of the general offer made to all businesses, associations, groups, and organisations in the city for officers to provide talks and presentations to these groups when requested,
- The use of the media, including the local press, radio and television and the City Council's social media sites to continue to promote the work of the Trading Standards Service, as well as conveying important messages, including product safety alerts,
- The continuing development of the High Standard newsletter which will be published on a bi-annual basis. The nineteenth edition (Spring/Summer 2022) and the twentieth edition (Autumn/Winter 2022) were both published and placed on the website.

## **20. Consultations**

The Trading Standards Service through the role of the NETSA Executive in delivering its key priorities has recognised and continues to do so, the importance of providing responses to all relevant consultation documents, as fundamental to ensuring:

- That the twelve local authority Trading Standards services in the Northeast of England continue to have a voice nationally,
- That as a partnership body NETSA ensures that we make any relevant concerns we have in respect of any proposals which affect both service delivery and also consumers and businesses we are empowered to protect, directly to our external partners including Central Government,
- That in providing a common and co-ordinated response to all relevant consultation documents we ensure that our response is co-ordinated across the region.

## 21. Staff Training

The Trading Standards service in delivering its key priorities has and continues to do so, views the provision of training, as fundamental as adding value to existing professional training and retaining competency levels for all officers, against the background of change. The Service through its partnership role with NETSA has specifically expressed concerns around the two fundamental aspects of training related to the continuing development of the profession. In particular it notes the importance of:

- The need for all local authorities to continue to fund training provision for officers to obtain qualifications as Trading Standards Officers and Enforcement Officers in order to ensure the survival of the profession,
- The need for all local authorities to continue to fund training provision for existing qualified officers to renew their individual competency levels around all aspects of work that these officers engage in.

The Service is very aware that in respect of the continuing changes around the Consumer Landscape that will directly affect many organisations and bodies, including the Citizens Advice Bureaux and local authority Trading Standards services; there will be a need to ensure that our services continue to be in a position to support legitimate business and consumers.

Therefore, as a direct consequence, the Service will continue to ensure that we take every opportunity that presents itself will be taken to address identified skills gaps and, subject to resources and capacity. With partners we will continue to attempt to provide any suitable training in partnership with others, as and when those particular opportunities emerge.

## 22. The Retained EU Law (Revocation and Reform) Bill 2022 (51)

The Retained EU Law (Revocation and Reform) Bill (51) was introduced to Parliament on 22 September 2022. The Trading Standards Service as a regulator which is underwritten by the provisions of EU legislation, including weights and measures, animal health, product safety and a wide range of consumer protection legislation will continue to monitor very closely the development of the 2022 Bill.

*“Retained EU Law is a category of domestic law created at the end of the transition period and consists of EU-derived legislation that was preserved in our domestic legal framework by the European Union (Withdrawal) Act 2018.*

*Retained EU Law was never intended to sit on the statute book indefinitely. The time is now right to end the special status of retained EU Law in the UK statute book on 31st December 2023. The Bill will abolish this special status and will enable the Government, via Parliament to amend more easily, repeal and replace retained EU Law. The Bill will also include a sunset date by which all remaining retained EU Law will either be repealed, or assimilated into UK domestic law. The sunset may be extended for specified pieces of retained EU Law until 2026.*

*The retained EU Law (Revocation and Reform) Bill is part of the Government’s commitment to put the UK statute book on a more sustainable footing. By ending the special status of retained EU Law, we will reclaim the sovereignty of Parliament, and restore primacy to Acts of Parliament”.*



## **23. Concluding Summary**

The City Councils Trading Standards Service remains committed that this Business Service Plan clearly demonstrates the continued value of joined up working across all Trading Standards Services in the region.

The Service will continue to deliver its work plan in partnership with Central Government departments and key agencies and organisations within the Consumer Landscape, together with legitimate businesses.

Local Government continues to undergo far reaching changes and the Service, has clearly recognised and continues to do so the need to adapt to the challenges presented by the new and evolving regulatory landscape of the future.

Chief Trading Standards Officer/Chief Inspector of Weights and Measures  
31<sup>st</sup> March 2023

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