

TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE AGENDA

Thursday, 22 February 2018 at 10.00 am in the Whickham Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes (Pages 3 - 4) The Joint Committee is asked to approve as a correct record the minutes of the previous meeting.
3	Revenue Estimates 2018/19 (Pages 5 - 8) Report of the Strategic Director, Corporate Resources
4	Report and Statistical Return for the Quarter Ending December 2017 (Pages 9 - 12) Report of the Strategic Director, Communities and Environment, Gateshead Council
5	New Advertising Standards Authority Ruling and the Effects for the Motor Industry (Pages 13 - 14) Report of the Strategic Director, Communities and Environment
6	Report on the Changes on Charging for the Use of Debit and Credit Cards (Pages 15 - 16) Report of the Strategic Director, Communities and Environment
7	Trading Standards Responsibilities under the Care Act 2014 (Pages 17 - 20) Report of the Strategic Director, Communities and Environment
8	Update on the Voluntary Ban on the Sale of Corrosive Substances (Pages 21 - 22) Report of the Strategic Director, Communities and Environment
9	Illicit Tobacco - "Keep it Out" Campaign (Pages 23 - 24) Report of the Strategic Director, Communities and Environment
10	Metrology Laboratory Review 2018 (Pages 25 - 38)

Report of the Strategic Director, Communities and Environment

11 Update on Product Safety (Pages 39 - 42)

Report of the Strategic Director, Communities and Environment

12 Safety of Laser Pointers (Pages 43 - 44)

Report of the Strategic Director, Communities and Environment

GATESHEAD METROPOLITAN BOROUGH COUNCIL
TYNE AND WEAR TRADING STANDARDS JOINT COMMITTEE MEETING

Thursday, 12 October 2017

PRESENT: Councillor K Dodds (Chair)

Councillor(s): Councillor J Fletcher, M Foy, T Graham,
Councillor A West, Councillor J Blackburn,
Councillor M Mordey, Councillor A Wilson,
Councillor Nick Kemp and Councillor S Lambert

APOLOGIES: Councillor(s): D Duggan, Councillor T Dixon,
Councillor A Ellison and Councillor J Perry

TW12 MINUTES

RESOLVED - That the minutes of the previous meeting be deferred due to site visit.

TW13 TOUR OF THE METROLOGY LABORATORY

The Committee members undertook a tour of the Metrology Laboratory and were shown examples of some of the work undertaken at the Lab.

Chair.....

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

22 February 2018

Revenue Estimates 2018/19

Darren Collins, Strategic Director, Corporate Resources, Gateshead Council

Purpose of Report

1. This report considers the budget estimates for 2018/19 as set out in Appendix 1.

Background

2. The proposed budget for 2018/19 is set out in Appendix 1. For reference, the projected outturn for 2017/18 has also been included.
3. The salary estimate includes a pay increase of 0%. It has also been assumed that current increased income levels will be maintained.

Recommendation

4. It is recommended that the following is approved by the Committee:
 - The latest estimate of £338,811 as set out in Appendix 1

Contact: Jeremy Craxford ext. 2727

Budget Statement 2018-19

	Budget 2017/18 £	Expected Outturn 2017/18 £	Budget 2018/19 £	Notes
Income				
Fees & Charges	-113,000	-101,079	-123,215	Budgets increased to reflect higher levels of Activity Detail Below
S. 11 Stamping Fees	-9,000	-5,500	-9,000	
Levy on Constituent Authorities	-218,869	-218,869	-218,869	
Total Income	-340,869	-325,448	-351,084	
Expenditure				
EMPLOYEES				
Direct Pay	215,986	213,622	220,967	1 x Senior Officer (K), 2 x Technical Officers (H), 1 x Assistant (E), 1 x Technician (E), 1 x Clerical Assistant (B/C)
Indirect Pay	1,142	1,142	1,142	
	217,128	214,764	222,109	
PREMISES				
Repairs & Maintenance	7,300	8,292	7,570	
Utilities	10,970	11,246	11,393	
Rates	8,400	6,642	8,400	
Rent	4,160	8,039	4,160	
	30,830	34,219	31,523	
TRANSPORT				
Car Allowances	400	400	400	
Vehicle Running Costs	940	1,160	940	
	1,340	1,560	1,340	
SUPPLIES & SERVICES				
Furniture & Equipment	7,000	10,283	7,000	
Capital Equipment	24,000	10,000	24,000	
UKAS Fees	4,300	6,698	7,200	
Printing & Stationery	2,340	405	2,340	
Insurance	7,120	5,160	6,120	
Postage	2,040	1,455	2,040	
Miscellaneous	3,200	8,337	7,500	
	50,000	42,338	56,200	
CENTRAL ADMIN				
Met Lab Central Admin	35,510	35,510	34,839	D&E Recharge £14,990, Finance & ICT £14,580, HR £3,030, Chief Exec £2,910
	35,510	35,510	34,839	
JOINT COMMITTEE EXPENSES				
Central Admin	2,268	2,268	1,280	
Audit Fee	3,793	3,793	3,793	
	6,061	6,061	5,073	
Total Revenue Expenditure	340,869	334,452	351,084	
NET COST	0	9,004 0	0	
Levy on Constituent Authorities				
Gateshead Contributions		-39,663		
Sunderland		-54,579		
LACB Newcastle		-55,504		
LACB South Tyneside		-29,344		
LACB North Tyneside		-39,779		
		-218,869		

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

22nd February 2018

**Report and Statistical Return for the Quarter
Ending December 2017**

**Paul Dowling, Strategic Director, Communities and Environment, Gateshead
Council**

Purpose of the report

To inform the Committee of the work of the Joint Metrology Laboratory for the quarter ending December 2017.

Operational

1. The laboratory continues to support the five authorities of the Tyne and Wear region offering specialist services, equipment and personnel and conducting petrol verifications.
2. Training in metrology for trading standards candidates to sit the professional examinations at National Measurement Regulatory Office of which candidates from Gateshead, Newcastle as well as Northumberland were supported.

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 and equipment hired.
4. The laboratory has been asked by chemical companies to supply new weights and this has been facilitated.
5. Checks have been made to operational fuel dispensers at Park Road and Cowan Road in Gateshead to ensure that stock levels are reported correctly.

EC Verifications

6. During this period, the laboratory has undertaken EC Verifications for a beer glass manufacturer, several weighbridges for weighing vehicles.

UKAS Calibrations

7. Weights continue to be submitted for calibration and issue of UKAS Calibration Certificates.

Toy Safety

8. Again only a few samples were submitted by the authorities and they were found to be compliant with legislation.

Electrical Safety

9. Samples have been submitted by Hartlepool as well as Tyne & Wear authorities.

Cigarette Samples

10. Samples of cigarettes were submitted to the laboratory for reduced ignition propensity testing and were found to be non-compliant with legislation, reports and section 9 witness statements were prepared for many authorities outside the Tyne & Wear region. Of the samples submitted very few passed the tests detailed in the Standard which is a concern.

Training

11. The laboratory ran the Chartered Trading Standards Institute's practical and oral examination in October and there were candidates from around the UK present and was so popular it was run on two occasions.

Statistical Return

12. The statistical return for the period October to December 2017 is contained within Appendix 1.

Recommendation

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

METROLOGY LABORATORY
STATISTICAL RETURN FOR THE QUARTER ENDING Dec 2017

Activity	Number	Income
S.74 (4) (b) verifications S73107	46	983.28
UKAS Accredited calibrations S73074-01	1006	18 122.88
Toy / Electrical tests S74014	26	1050.00
Weighbridge S73104-01	201	1101.00
Hire of weights S73104	1	110.71
PAT testing S76034-01	-	-
EC Verification	10	257.19
RIP testing S73104	20	4000.00
Income (excl. VAT)		25 580.06
VAT		5 116.01
Total Income (inc VAT)		£30 696.07

Contact: Andrew Hayward, Gateshead Council on 0191 4784550 or email
andrewhayward@gateshead.gov.uk

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22 February 2018

**New Advertising Standards Authority Ruling
and the effects for the motor industry**

Paul Dowling, Strategic Director, Communities and Environment, Gateshead Council

Purpose of the report

To update members of a recent ASA ruling of what constitutes material information when purchasing a used vehicle.

1. The most recent ruling replaces that published on 1 March 2017. There were two adverts placed by a main dealer for two vehicles where the previous ownership was withheld by the garage.
2. The dealership argued that consumers would be given the information they required when they attended the dealership to purchase either of the two cars and therefore allow them to make an informed decision as to whether to go ahead.
3. The dealership also claimed that because a vehicle has come from an ex-fleet did not suggest that it had multiple drivers. The actual previous usage, irrespective of the registered keeper, could not be categorically defined on a used car and they stated that such information had not been given to them by Fiat Chrysler Automobiles UK Ltd (FCA) who had traded the vehicles to them.
4. FCA also believed that a vehicle being ex-fleet was not material information that was likely to influence a consumer's transactional decision.
5. FCA had obtained input from their industry body – The Society of Motor Manufacturers and Traders. They believed that omitting the identification that a vehicle is an ex-fleet was not misleading, because mileage and service history were key indicators to the prior use.
6. The SMMT stated that ex-fleet vehicle had no bearing on its condition compared to any other factor about ownership. For example, a company car used by only one employee under strict rules of driving and maintenance involved on-going servicing and repair. In such cases, the V5C registration certificate would show the fleet operator/leasing company or employer as the registered keeper for the vehicle, not the employee that used it.
7. The SMMT believed that the Office of Fair Trading's Guidance for second hand car dealers only applied to ex-fleet vehicles that might have had multiple users, and that by describing vehicle as ex-fleet did not necessarily mean that it had been used by more than one driver.

8. The ASA considered that vehicles that had been leased out for business purposes and used by multiple users were more likely to have been subjected to wear and tear compared to vehicles that were previously owned by a private owner. They accepted the argument that ex-business single use vehicles might be at least as well maintained as ex-private vehicles but they had not seen evidence to demonstrate that this was generally the case.
9. They considered that if a dealer was aware that a vehicle was ex-fleet because it had previously been used for business purposes, then that was material information likely to influence a consumer's decision to purchase it. Also, if a dealer knew that an ex-fleet vehicle had been used by multiple users, then that too was material information for consumers to make an informed decision.
10. Because the ads had omitted material information regarding the cars having been previously used for business purposes whilst part of a fleet, they concluded that they were misleading.
11. Gateshead Trading Standards has recently prosecuted Peugeot Robins & Day for failing to declare the car's previous owner was in fact Europcar.
12. They advertised a vehicle with one previous owner and it wasn't until the new owner received the V5C a few weeks after purchase they saw that the previous owner was in fact Europcar. The consumer initially reported the issue due to the problems they were having with a burning clutch. They were told by the dealer that this was his wife's driving style as she wasn't used to the automatic handbrake. It cost the consumer £650 to replace the clutch.
13. During the investigation, Europcar confirmed to trading standards that the vehicle had actually been a daily rental vehicle with multiple users.
14. The company pleaded guilty and were fined £5000 plus costs of £500. The company were also ordered to pay the consumer £1000 compensation.

Recommendation

15. The Committee is asked to note the information.

Contact: Tracey Johnson, Gateshead Council on 0191 4333934 or email traceyjohnson@gateshead.gov.uk

Report to the Tyne and Wear Trading Standards Joint Committee

22 February 2018

Report on the Changes on Charging for the Use of Debit and Credit Cards

Paul Dowling, Strategic Director, Communities and Environment, Gateshead Council

Purpose of the report

To update the Committee on recent legislative changes which affect charges for the use of debit and credit cards.

The Issue

1. On the 13 January 2018 the Consumer Rights (Payment Surcharges) Regulations 2012 were amended and so brought into force the second EU Payment Services Directive.

Background

2. Payment surcharging is when a fee is charged for the use of a particular means of payment, such as a debit card, credit card or e-money account such as PayPal.
3. Merchants and retailers themselves will usually incur a payment processing fee for the use of certain payment methods, such as the merchant service charge for processing debit and credit card transactions.
4. Consumers are often unaware of these surcharges until they come to pay. For some transactions, and online transactions in particular, charges may be only become apparent many steps after a purchase decision has been made, leaving the consumer inconvenienced or unwilling to cancel the transaction.
5. Surcharges were often cited in the airline sector but are also imposed by some retailers in other sectors, including rail, event tickets, cinemas, car dealerships and hotels. The Office of Fair Trading (OFT) estimated that consumers spent around £300 million on payment surcharges in 2010 in the airline sector alone.
6. New rules prohibit traders from levelling a surcharge in relation to a wide variety of transactions, and surcharges are limited in some other circumstances. So, for example, a cinema or theatre can still charge a booking fee and an airline can charge for choosing a seat.

Recommendation

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

Contact: Alan Burnett, North Tyneside Council, 0191 6436621,
alan.burnett@northtyneside.gov.uk

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Report to the Tyne and Wear Trading Standards Joint Committee

22 February 2018

Trading Standards Responsibilities under the Care Act 2014

Paul Dowling, Strategic Director, Communities and Environment, Gateshead Council

Purpose of the report

To update the Committee on the continuing role of Trading Standards services under the Care Act 2014.

The Care Act 2014

1. The Care Act 2014 has consolidated existing care legislation and sets out the local authority's responsibility for both older people and people who care for them. It seeks to improve communication between all agencies that have a role to play in terms of safeguarding older and vulnerable people who may be at risk of harm- whether through deliberate act or by neglect.
2. The definition of adult safeguarding is given as, 'working with adults with care and support needs to keep them safe from abuse or neglect'. Safeguarding is aimed at people with care and support needs who may be in vulnerable circumstances and at risk of abuse or neglect. Local services are required to work together to spot those at risk and take steps to protect them.
3. Trading Standards services already work with partner agencies such as Adult and Social Care, Community Safety, Public Health and Northumbria Police to protect older residents, but this Act also requires the services to evidence that they have acted on intelligence about Safeguarding issues; that they are making appropriate referrals and have processes, procedures and records to evidence that steps have been taken to protect those people at risk from abuse or neglect.
4. Trading Standards services have sought to prioritise support for older and vulnerable people living across the UK in a number of ways.

Doorstep Crime

5. 'Doorstep Crime' is the name given to fraudulent transactions that are perpetrated in people's own homes, often - but not always - by itinerant traders that arrive unsolicited 'on the doorstep' offering to sell a variety of goods or services that may be particularly appealing to older residents. The initial approach may be an unsolicited telephone call. Whilst direct selling is perfectly legal, there are a minority of rogues who will seek to take advantage of vulnerable householders by selling goods (tarmac/block driveways, mobility aids, double glazing etc) or services (garden maintenance, energy assessments) at inflated prices and following pressurised selling techniques.

6. A key part of the Trading Standards response to doorstep crime is to raise awareness amongst older householders and their friends, neighbours, relatives about the potential harm. This is achieved through our work with groups such as the Elders Council and Age UK. The continuing development of the No Cold Calling Zones is also a key component of our work.

Scams

7. Raising awareness about the potential harm from 'scams' has formed a vital part of trading standards work for many years. Older residents in particular are targeted by scammers via telephone, mail and internet communication. Whilst most people recognise these communications for what they are, a significant minority are misled into parting with thousands of pounds. The scams come in a variety of guises. Some claim to be investment opportunities or lottery winnings, others offer goods and services. Relatively small sums of money are requested, but once successfully targeted the scammers will relentlessly pursue their victims some of whom become addicted.
8. Each year mass marketing mail scams, which often target vulnerable or disadvantaged consumers, cause approximately £3.5 billion worth of detriment to UK consumers.
9. The National Trading Standards Scams Team helps tackle mass marketing scams and disrupts the operations of perpetrators behind mail scams. It works in partnership with agencies across the country to identify and support victims of mass marketing fraud. The team provides guidance, best practice and establishes a centre of excellence to assist local authorities in supporting local victims and taking local enforcement action.

The National Team in action

10. The team launched an initiative with Royal Mail and Trading Standards Scotland to create a new process for cancelling the contracts of companies that send fraudulent mail. So far over 6,000 items of mail have been returned as part of the operation in the UK and more than £186,985 has been returned to victims.
11. Friends Against Scams is a National Trading Standards Scams Team initiative that aims to protect and prevent people from becoming victims of scams by empowering communities to... 'Take a Stand Against Scams.' It is designed to inspire action, highlight the scale of the problem, change the perceptions of why people fall for scams and make scams a community, regional and national topic.
12. Anyone can be a Friend Against Scams and make a difference in their own way.
13. The team has also been working with the Charity Commission and the Fundraising Regulator to ensure that charities do not inadvertently or otherwise support or encourage scams. Reporting scam mail

14. Potentially fraudulent mail should be reported to Royal Mail:

- Write to Freepost Scam Mail
- Call 03456 113 413
- Email scam.mail@royalmail.com

Illegal Money Lending

15. Illegal money lenders, are unlicensed (lending without a Consumer Credit licence) and operate outside the law. They are commonly referred to as loan sharks. These loan sharks not only take advantage of vulnerable borrowers but also bring disrepute to legitimate lenders.

16. Consumers who may find themselves unable to access credit due to a poor credit history, an inability to manage finances or because their income is simply too low to provide reassurance, may resort to illegal money-lenders.

To report a loan shark: Call the 24/7 confidential hotline 0300 555 2222, Text 'loan shark + your message' to 60003. E-mail:

reportaloanshark@stoploansharks.gov.uk.

www.facebook.com/stoploansharksproject Log-on to

www.direct.gov.uk/stoploansharks.

Home Office Seminars

17. The Home Office is currently conducting a series of regional seminars which will bring together stakeholders at working professional level from law enforcement local authorities, the health sector, community groups and third sector organisations; with the aim of building the understanding of crime impacting on older people and explore ways to collaborate to improve our response.

18. The regional event for the North East is scheduled to be held at the Great North Museum in Newcastle on Thursday the 22 February 2018.

19. Event Objectives

- Delegates will gain an increased awareness of the types of crime against older people in the local region, including “hidden crime”, and the effects of these crimes upon older people,
- Delegates will improve their understanding of local projects, activities and initiatives designed to help prevent older people becoming victims of crime,
- To explore how delegates can create sustainable and resilient partnerships and networks to deliver positive impact for vulnerable older people.

Recommendations

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

Contact: David Ellerington. City of Newcastle on (0191) 2116119
david.c.ellerington@newcastle.gov.uk

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Report to the Tyne and Wear Trading Standards Joint Committee

22 February 2018

Update on the Voluntary Ban on the Sale of Corrosive Substances

Paul Dowling, Strategic Director, Communities and Environment, Gateshead Council

Purpose of the report

To update the Committee on the response provided nationally to the safety issues which concern the safety of corrosive substances.

The Safety Issue

1. In March 2016 to April 2017, police recorded more than 500 attacks in England and Wales, double the number five years ago, with the majority of incidents in London.
2. However it is feared that the true level of acid crimes may be much higher than official records show. A Freedom of Information request submitted by the BBC found the Metropolitan Police alone recorded more than 450 noxious or corrosive fluid incidents in London in 2016.
3. A Home Office analysis estimated the true national rate could be as high as 900 crimes a year.
4. The Home has also said experts at the University of Leicester are beginning detailed research into the characteristics and motivations of attackers.
5. Acid or other corrosive chemicals have been a weapon in a range of crimes, including revenge, so-called "honour crimes", gang violence and theft from delivery drivers.
6. In one of the most serious recent cases, a man who threw acid in a packed London nightclub, injuring 22 people, was jailed for 20 years. Another man is facing trial later this year for the alleged murder of a woman who died after she was splashed with a corrosive substance.

Consultation

7. The Government issued a consultation in October 2017 on a proposal to introduce new legislation to tackle offensive and dangerous weapons.

Response to the Consultation

8. A response to the consultation was submitted on behalf of the region by the North East Trading Standards Association.

Retailers Announcement

9. In January 2018 quite a few of the UK's largest retailers agreed to voluntarily stop sales of acids to customers under 18 years old.
10. A number of DIY stores and supermarkets including "B&Q", "Screwfix" and "Wickes" have signed up to the ban, which will apply to some corrosive substances, including concentrated acids.
11. The Home Office has already proposed new laws to limit the sale of corrosive substances amid continuing concern over rising numbers of acid attacks.
12. A fifth of the acid attackers identified in 2016/2017 were under 18 years old.
13. The proposed legislation would make it unlawful to sell the substances to under-18s, and also make it a criminal offence to be in possession of acid in a public place without good reason.
14. The restrictions will apply to drain cleaners containing sulphuric acid, as well as paint strippers, limescale removers and other cleaning products with an acid concentration of more than 10% or 12%.
15. Staff will be expected to challenge buyers to prove their age in the same way that they do for solvents, spray paints and knives.

Recommendation

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

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

22 February 2018

Illicit Tobacco – “Keep it out” Campaign

Paul Dowling, Strategic Director, Communities and Environment, Gateshead Council

Purpose of Report

1. To update the Committee on the latest activities relating to the control of illicit tobacco.

Illicit Tobacco

2. Illicit tobacco comes in three forms; -
 - Smuggled – This is tobacco produced by legitimate companies that has been diverted from its intended market and sold in the United Kingdom.
 - Counterfeit – This is tobacco, whether cigarettes or hand rolling tobacco, marketed illegally in packaging simulating legitimate brands.
 - Cheap whites – Tobacco produced in factories with no legitimate retail market purely for the purposes of evading taxation and other laws.
3. Between July and August 2012 Fresh North East, a body funded by the 12 regional local authorities, ran a campaign called “Keep it out” aimed at raising awareness of the harm of illegal tobacco and inviting members of the public to report sales of illegal tobacco. The campaign was very successful and a second “Keep it out” campaign has just been run.

Keep it Out Campaign

4. The campaign started at the end of October and ran through November 2018. Activities included a leaflet drop in target areas, press releases and advertising. Local authorities were supplied with materials to distribute and messages for social media. There was coverage on regional television as well as in the regional press.
5. The information given to the public and retailers explained the damage that can be done by the sale of illicit products. Access to cheap cigarettes from illicit sources makes it affordable for children to smoke. The people organising the smuggling of tobacco on a large scale are organised criminal groups, tobacco being only one source of their money. The cheapness of illegal cigarettes enables people to continue smoking, at risk to their health, when they might otherwise quit.
6. A Freephone number 0300 999 0000 and a web address allowing confidential reporting, keep-it-out-.co.uk was provided on all material circulated. The

intention being to gather as much information on the trade in illegal cigarettes as possible. Local authority trading standards could then use that information to carry out enforcement and advisory activities. Whilst individual, anonymous pieces of information are not proof of illegal activity, several sources giving the same information can build up a picture or verify information already held.

Outcomes for Trading Standards

7. One of the key desired outcomes for the campaign was to supply intelligence to the Trading Standards sections of the local authorities in the region. Across Tyne and Wear there were over 100 separate intelligence reports made relating individuals, both at residential addresses and online as well as retailers.
8. Raising awareness of the issues surrounding illicit tobacco was another objective of the campaign. Local press and television covered raids by Newcastle City Council, including the Tyne Tees report on a raid by Newcastle officers on a retail premises where the tobacco was concealed in cornflake and soap powder boxes.
9. The intelligence received has led to a number of enforcement activities. Newcastle City Council undertook 17 enforcement visits that netted just over 142,000 cigarettes and 23 kilogrammes of hand rolling tobacco. In Sunderland over 10,000 cigarettes were found at a retailer's shop and his residential address and a raid on an online seller discovered a further 26,000 cigarettes. In addition to the counterfeit cigarettes Newcastle seized 74 bottles of alcohol and Sunderland seized a significant quantity of other counterfeit goods found on the same premises as the counterfeit cigarettes.
10. It is expected that further activities will be undertaken on the intelligence reports received.

Recommendations

11. The Committee is asked to note the information contained within this report.

Contact: Richard Reading – Sunderland City Council (0191) 561 1710
richard.reading@sunderland.gov.uk



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

22nd February 2018

Metrology Laboratory Review 2018

Paul Dowling, Strategic Director, Communities and Environment, Gateshead Council.

Purpose of the Report

1. To inform the Committee of the internal Metrology Laboratory Review. This first stage is looking at the provision of metrology services, a more detailed report will be produced covering all aspects of the laboratory's functions. This report ignores any Brexit issues as they are too difficult to predict with so little information.

Background

2. The Met Lab has become more successful in the last few years so a report was prepared to highlight how this might continue into the future years.

Recommendation

4. The Committee is asked to note the work that is being undertaken to review its services and facilities with a view to providing an agreed detailed business plan, contingency plan and business continuity plan.

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TYNE & WEAR TRADING STANDARDS SERVICE

METROLOGY LAB REVIEW 2018

**Tyne & Wear Trading Standards Joint Committee
Saltmeadows Road, Gateshead
United Kingdom, NE8 3AH**

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1. Executive Summary

The metrology laboratory has appointed management staff that are keen and capable of taking the service forward and increasing the revenue generated. The fabric of the building, which is owned by Gateshead, allows for an expansion and possible extension of services offered. The Metrology Laboratory fulfils the statutory requirements of the Weights and Measures Act 1985. If the laboratory wasn't sufficiently funded in the future then Northumberland and Tyne & Wear would be dependent upon the Southern counties to maintain the standards required to perform the statutory duties. There would also be a negative effect upon the local economy as existing clients would need to source an equivalent service in the United Kingdom.

The existing configuration of the facilities and procedures have the potential to be modernised to allow for a stream lined workflow thereby decreasing the time spent on calibrations which in turn decreases the overheads and increases revenue which can be used to develop enhancements to the services offered. The laboratory would benefit from a new approach, more use of computers in calibrations, rewritten quality manual and procedures to reflect modern practices and a core of officers authorised under the system as UKAS competent.

To operate a successful UKAS laboratory requires skills and competencies that are greatly enhanced from those required to be a Weights and Measures Inspector therefore when considering succession planning, a training and mentoring program should be developed. The quality manager does not require as much detailed knowledge as the appointed technical manager, that role is probably the most reliant upon the competency and skill and needs the most investment and an understudy.

The laboratory should develop a succession plan to ensure that if key personnel leave the service, disruption is kept to a minimum. Also, a business continuity plan should be developed in accordance with BS 25999-1 to ensure that the laboratory can continue in the event of system breakdowns etc.

The laboratory needs a better understanding of the local market requirements in terms of metrology and how those needs can be met, thereby contributing even more to the economy of Northern England.

The laboratory operates a screen testing regime for various consumer products and also has UKAS accreditation for the physical testing of toys in accordance with EN71 Part 1. The laboratory also has flexible scope so can test other products based upon the accredited tests.

2. Review Methodology

- Interviews with Metrology Laboratory staff and management
- Walk around of the laboratory, workspace and estate
- Analysis of current business practice, future potential and growth opportunities
- Conversations with equipment suppliers
- Conversations with existing customers

3. Service Overview

The Metrology Laboratory (Met Lab) provides the local and working standards on behalf of Tyne & Wear and therefore fulfils its statutory duties under Part I of the Weights and Measures Act

1985. The Met Lab is therefore able to test the working standards and test equipment used by the inspectorate in support of its services to the economy.

The Met Lab is nationally recognised for its standards and quality. It achieved UKAS accreditation to the E2 level from 0.5 mg to 20 kg, F2 and M1 Levels from 0.5 mg to 25 kg (see Appendix 1) and currently provides a service to the private sector market. The Lab provides services to ensure traceability of calibration and quality of measurement in line with statutory requirements to ensure health and safety, enable taxation, protect consumers and ensure equitable and fair trade.

However, in order to main this level of acclaim the Met Lab requires investment to upgrade its equipment to expand into and/or maintain service levels in the commercial market and meet the needs of its clients.

The Metrology Laboratory, based in Gateshead, currently utilises 6 people and operates an annual turnover of £100,000, gained from providing services within weights and measures, both legal and commercial and in consumer product safety testing.

4. Strategic Context

Section 4 of the Weights and Measures Act 1985 requires the local Weights and Measures Authority to maintain Local Standards of mass, length and volume. A dispensation may be sought from BEIS not to hold same if an agreement was in place with another authority.

If the met lab was not maintained in Gateshead, the department would be entirely dependent upon other providers in the South to provide the calibrations to perform its statutory duties under the Weights and Measures Act 1985. This would entail all working standards and testing equipment to be transported over on a regular basis.

By maintaining the legal metrology capabilities, the funding of which can be offset by offering a commercial service. Without the met lab providing a commercial service, local business would need to source calibrations from other sources which would increase their costs and introduce delays.

The met lab thereby guarantees the independence of the department whilst at the same time provides a necessary service to the local economy.

5. The Core Business Metrology

The Met Lab currently provides the core traditional Trading Standards function of Weights & Measures. The service has the potential for market penetration, service development and growth subject to the appropriate level of investment (both capita and revenue) and support to reposition the service commercially and encourage trade.

5.1. Service Overview

Weights and Measures is traditionally a key function of Trading Standards Services and is the core service of the Metrology Lab.

Within the menu of weights and measures services, the Met Lab provides five key Weights and Measures functions:

- The calibration of E2, F1, F2, M1 weights
- The calibration of trade weights
- Weights and Measures testing to Section 74(4) of the Weights and Measures Act 1985
- Calibration/verification of weighing instruments
- Calibration/verification of measuring instruments

The Met Lab provides UKAS accredited and non accredited services, serving statutory and private sector markets as follows:

Accredited Services
<ul style="list-style-type: none"> • Calibration of E2 level weights 0.5 mg to 20 kg • Calibration of F1 level weights 0.5 mg to 20 kg • Calibration of F2 level weights 1 mg to 25 kg • Calibration of M1 level weights 1 mg to 25 kg
Non Accredited Services
<ul style="list-style-type: none"> • Calibration of M1 level weights from 1 mg up to 1 000 kg • Calibration of weighing Machines, volumetric Measures to 20 litres • Linear Measures • EC Verification of Non-automatic weighing instruments • EC Verification of measuring instruments • Hire of weights

5.2 The Market

The weights and measures market is diverse, ranging from the testing and calibration of small weights used to weigh ingredients in pharmaceutical and food products for example to larger heavy mass weighing equipment to weight ticket lorries to ensure road safety and compliance.

Contracts at the smaller scale end of the service spectrum are more lucrative due to the specialist testing and complexity of equipment required.

The Met Lab hold UKAS accreditation for a wide range of weights from E2 to M1 opening up significant opportunities in the market for expansion and development.

Market research needs to be conducted to find what the local market is like in terms of its calibration requirements and if those needs are being met and if so by whom. Routine trading standards inspections could be used as a research tool to ascertain potential calibration needs.

5.3 Customer Analysis

The key customer base / commercial market for weights and measures services include;

- Scale and weight companies seeking calibration for weights and weighing equipment.
- Manufacturing sector including chemical and pharmaceutical
- Public Health Sector organisations including Hospital and University

5.4 Competitor Analysis

The Met Lab is one of the few UKAS accredited public sector labs in the UK offering mass calibration services.

Local competitors to the Met Lab are two weighing machine accredited organisations, who both use the services offered at present but they do not calibrate their own or client's weights.

5.5 Product Pricing

A survey needs to be undertaken about the pricing structure and how the Met Lab compares against UKAS accredited laboratories In the UK, as a quick survey found some of the lab's prices were not competitive.

5.6 SWOT Analysis

Strengths	Weaknesses
<ul style="list-style-type: none">• Reputation of the Met Lab• Expertise and qualifications of staff• UKAS Accreditation• Holder of local and working standards• Reputation of key staff members within the Trading Standards community• Potential for the fabric of the building to expand into new areas of calibration	<ul style="list-style-type: none">• Transport logistics to return calibrated weights to customers• No capital funding for investment needed to improve the service on offer• Not currently established on a commercial footing (no/little marketing and advertising etc)• Capacity of staff to expand into new markets (time/business skills)• No official capital replacement programme for business critical equipment• No business continuity plan formulated• Old working practices

Opportunities	Threats
<ul style="list-style-type: none"> • Increase market share with hospitals and universities • Training opportunities with hospitals and universities • Increase public sector trade by working with UK local authorities • Accreditation for weighing machine calibration 	<ul style="list-style-type: none"> • Other calibration companies • Other scale companies • Other Metrology Laboratories • Public sector cuts (reactive in opposed to proactive testing and sampling) • Changes in Trading Standards landscape

5.7 Business Growth, New Products, Market Penetration & Diversification – Recommendations & Concerns

There is significant growth potential within the weights and measures market subject to:

- Raising awareness / marketing of the service with potential customer base (public and private sector).
- Securing adequate investment to reposition the services within the market. Without adequate investment in core services business growth potential and further market penetration could be stagnated.

Key recommendations include:

- Explore ways to increase market share / market penetration
- Explore additional opportunities within pharmaceutical and food industries – these contracts historically are the most lucrative due to the amount of items requiring calibration
- Review fees and charges to ensure service competitiveness
- Consider UKAS accreditation for weighing machines
- Consider offering training packages to metrology users outside of local authorities

6. Funding & Finance

6.1 Income

The Met Lab is currently financed through a mixture of traded income and Tyne & Wear

Currently income is £340,000 which is made up from;

- Traded income of £100,000

- TWJC contribution of £240,000

6.2 Expenditure

Expenditure within the Met Lab budget is currently circa £340,000 made up from

- Staffing
- Premises
- Accreditation (£5-7k per annum)
- Supplies & Services
- Grants & Subs
- Re-charges
- Support Services
- Capital Replacement

6.3 Reserves

As of 2016/17 the Met Lab held a reserve budget of £80,000

7.4 Investment Needs

There is currently no dedicated resource for investment in new equipment or replacement equipment to ensure that the Met Lab maintains standards and service quality.

To develop a “fit for purpose” Lab in order to capitalise on business opportunities in the short to mid-term, approximately £100,000 over 5 years is required. This investment covers:

- A replacement programme for comparators which are business critical (see Appendix 2 for current age of equipment)
- An alteration of laboratory accommodation for easier manual handling of 20 kg masses when submitted in large numbers

7. Recommendations & Action Plan

7.1 Short term

- Maintain the laboratory in its present form offering required working standard calibrations and UKAS to E2
- Increase M1 and F2 capability to 50 kg
- Develop a capital replacement programme for business critical comparators, thereby ensuring continuance of business (see Appendix 2)
- Develop a professional web presence so new clients can be aware of services
- Establish a costing for services that is competitive and realistic with regard to overheads
- Develop training programme for all staff

7.2 Mid term

- Create room within the Met Lab to allow adjustment of cast iron 20 kg masses, thereby minimising the manual handling of same
- Develop a business continuity plan to include facilities, equipment and staffing to ensure no interruption to offered services
- Consideration given to developing training packages for metrology users
- Marketing campaign to raise the profile of the Met Lab in the North East and UK

- Market research to gain an understanding of Northern England calibration requirements at E2 level
- Attaining accreditation for weighing machines under UKAS
- Researching possible market for UKAS accreditation in volume measures
- Develop a staff recruitment and retention policy for the laboratory

7.3 Long term

- Investment of new climate control for M1 laboratory to allow F2 calibrations freeing space in the E2 laboratory
- Have built in redundancy with regards to comparators
- Providing more office and laboratory space utilising the existing building footprint but building a second floor. This would allow conferences, training facilities and meeting rooms for the Tyne and Wear Authorities.

Appendix 1

Schedule of Accreditation

issued by

United Kingdom Accreditation Service

2 Pine Trees, Chertsey Lane, Staines-upon-Thames, TW18 3HR, UK

 0292 Accredited to ISO/IEC 17025:2005	Tyne and Wear Trading Standards Issue No: 018 Issue date: 27 October 2016	
	Joint Committee Metrology Laboratory Saltmeadows Road Gateshead Tyne and Wear NE8 3AH	Contact: Mr A Hayward Tel: +44 (0)191 478 4550 Fax: +44 (0)191 478 4550 E-Mail: metrology@laboratory@gateshead.gov.uk Website: www.legalmetrology.info
Calibration performed at the above address only		

DETAIL OF ACCREDITATION

Measured Quantity Instrument or Gauge	Range	Calibration and Measurement Capability (CMC) Expressed as an Expanded Uncertainty ($k = 2$)	Remarks
MASS	(g)	(mg)	1. Intermediate values can be calibrated to an uncertainty interpolated from the next higher and lower values in the table.
	25 000	12.5	
	20 000	10	
	10 000	5.0	
	5 000	2.5	
	2 000	1.0	
	1 000	0.50	
	500	0.25	
	200	0.10	
	100	0.050	
	50	0.033	
	20	0.026	
	10	0.020	
	5	0.016	
	2	0.013	
	1	0.010	
	0.5	0.0080	
	0.2	0.0066	
	0.1	0.0050	
	0.05	0.0040	
	0.02	0.0030	
	0.01	0.0026	
	0.005	0.0020	
	0.002	0.0020	
	0.001	0.0020	
	0.000 5	0.0020	
END			

Appendix 2

Balance Lab

Current in use	Type	Acquired	Use	Expected Life left
XP26003	C	New 11 Feb 2015	E2 - F2	2025
XP5003	C	SH 10 Dec 2011	E2 - F2	2020
XPE2004	C	New 09 Aug 2016	E2 - F2	2026
XPE205	C	New 19 Apr 2016	E2 - F2	2026
XPE56	C	New 19 Apr 2016	E2 - F2	2026
UMT2	C	New March 2000	E2 - F2	Limited
AT201	C	New 28 March 2000	Back Up	No further support by Mettler Toledo (MT)
AX26	C	SH 17 Oct 2006	Back Up	No further support by MT
AX106	C	New 14 Aug 2006	Back Up	No further support by MT
CC20	C	SH Oct 2013	Training	Needs repair
CC500	C	SH Oct 2013	Training	No further support by MT
E1 set 2 Off	Weights	SH 26 March 2007	Traceability	Infinite if cared for
E2 Set	Weights	SH 26 March 2007	Traceability	Infinite if cared for

Garage Lab

Sauter 1Tonne	C		Heavy	Reached serviceable end
Sauter 2 Tonne	C		Heavy	Reached serviceable end

Capacity Lab

F2 Set	Weights	SH 26 March 2007	Traceability	Infinite if cared for
XP26003	C	New 28 Apr 2008	M1	2018
XPE2004	C	New 28 Apr 2008	M1	2018
XPE205	C	New 16 May 2006	M1	2018
AT21	C	New March 2000	M1	No further support by MT
Sauter 60kg EB60	WM	New Nov 1990	Gravimetric	Reached serviceable end
PM1200	WM	New Aug 1990	Gravimetric	2020
AG285	WM	New Apr 2000	Gravimetric	2020
PM6100	WM	New Nov 1990	Gravimetric	2020

Legal Lab

F2 Set	Weights	SH 26 March 2007	Traceability	Infinite if cared for
KA30	C	New Mar 2000	Legal	2020
LA230S	C	SH Oct 2013	Legal	2020
C2000	C	SH Oct 2013	Legal	imminent
C10000	C	SH Oct 2013	Legal	

KEY:	C	Comparator
	WM	Weighing Machine
	SH	Second Hand
	*	First consideration for replacement

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

22 February 2018

Update on Product Safety

Paul Dowling, Strategic Director, Communities and Environment, Gateshead Council

Purpose of the report

To update the Committee on the latest developments with the important issue of Product Safety.

The Safety of Electrical Goods

1. On the 9 January 2018, the House of Commons, Business, Energy and Industrial Strategy Committee published an updated report related to the “Safety of Electrical Goods”. Rachel Reeve MP (Leeds West) chairs this Committee and Anna Turley MP (Redcar) also sits on this Committee.
2. The Committee decided to look at the safety of electrical goods, following their identification as the cause of several high-profile fires recently, such as Grenfell and Shepherd’s Bush Green. The number of fires they cause each year is persistently high.

Summary of the Report

3. The Committee found that reductions in funding for both local Trading Standards and National Trading Standards are inevitably having an impact on the adequacy of the existing system of product safety in the UK. 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.
4. The Committee found that progress on improving the safety of electrical goods has been painfully slow, despite a widely-supported set of recommendations made by Lynn Faulds Wood’s independent review, published nearly two years ago. The Committee recommends that the Government publish a full response to the Review by the end of February 2018.
5. The Committee found that the limitations of the existing product safety 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. The Committee calls on Whirlpool to address this, by ensuring a resolution for customers with defective machines within two weeks of notification. In addition the Committee expressed unease that Whirlpool did not act when a separate defect came to light, which has caused a number of fires. The Committee recommends that manufacturers should make available their risk assessments as soon as any defect is identified.

6. The Committee expressed concern that 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. The Committee believes 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.
7. Finally the Committee recommended that due to the fragmented nature of the existing system and the slow pace of change, the Government should carry out and publish a cost benefit analysis of the options for reallocating and concentrating existing resources, both centrally and locally, with a view to combining into a single national product safety agency.

Governments Response

8. The Government on the 21 January 2018 announced the creation of a new national oversight body tasked with identifying consumer risks and managing responses to large-scale product recalls and repairs.
9. The new Office for Product Safety and Standards is seen as enabling the UK to meet the evolving challenges of product safety by responding to expanding international trade, the growth in online shopping and the increasing rate of product innovation.
10. The announcement comes as part of the government's response to the Working Group on Product Recalls and Safety. Established in October 2016 by former Consumer Minister Margot James MP, the group of product and fire safety experts was brought together to build on the recommendations made by Lynn Faulds Wood in her independent review into consumer product recalls.
11. In addition to providing support and advice for local authority Trading Standards teams, the office will co-ordinate work across local authorities where action is needed on a national scale and will ensure the UK continues to carry out appropriate border checks on imported products once the UK leaves the European Union.
12. The Government has promised to continue to work with stakeholders such as consumer groups, manufacturers and retailers to ensure the office coordinates the UK's product safety regime as effectively as possible.
13. This will not lessen any of the legal responsibilities that sit with manufacturers, importers and retailers to present safe products to the market, and to take rapid effective action when safety issues arise with their products.
14. Other actions as part of the government's response to the working group include:
 - working with the British Standards Institute to provide guidance on product recalls and corrective action,
 - conducting research to help manufacturers and retailers develop technological solutions to product marking and identification,

- increasing the reach of Primary Authority to further share business, local authority and Department for Business, Energy and Industrial Strategy (BEIS) expertise to help protect consumers,
- researching consumer behaviour to identify the best way to drive up the number of consumers registering appliances with manufacturers,
- creating an expert panel to bring together trade associations, consumer and enforcement representatives to advise on product safety issues as they arise.

Recommendations

15. The Committee is asked to note the information contained within this report and copies of the reports from the House of Commons Business Energy and Industrial Strategy Committee and the Government response will be made available to Members.

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

22 February 2018

Update on the Safety of Laser Pointers

Paul Dowling, Strategic Director, Communities and Environment, Gateshead Council

Purpose of the report

To update the Committee on the response provided nationally to the safety issues which concern the safety of laser pointers.

The Safety Issue

1. The misuse of laser pointers (sometimes referred to as laser pens) reported in the press has generated public concern over the safety of these devices.
2. Laser pointers are small handheld battery-powered devices that project narrow laser beams. Their original purpose was for use in presentations or for pointing out objects. At low powers, the human eye can only see the dot where the laser beam hits a target. However, high power laser beams can be visible in the air. Astronomers use the laser beam to guide viewers towards stars and other objects in the night sky.
3. Laser pointers have many legitimate uses. In the classroom, teachers can use them for demonstrations of optical principles. They can be used as alignment aids and in construction. However, low power lasers are usually adequate. The technological development in laser technology has decreased the size of laser products, increased the powers, and reduced the cost significantly.
4. Reject laser components from professional products are being bought by manufacturers of novelty laser products without appropriate quality control and compliance with safety standards.

Consultation

5. The Government issued a Call for Evidence in August 2017 on the market for laser pointers, and how they are used.
6. High strength laser pointers – those with a strength of more than 5mW - are easy to make, obtain and use. Shining a laser pointer can be fun and many users have good intentions. However the Government is concerned that, in recent years, there have been an increased number of reported incidents of the deliberate misuse of laser pointers with consequences which could have been fatal – examples include shining laser beams into the cockpits of aircraft as they take off and land and young children suffering permanent eye damage as the result of having beams from ‘toy’ pointers shone directly into their eyes; a UK

survey of ophthalmologists reported 159 incidents of eye injuries since 2013, mainly affecting young children.

7. In 2016, the Civil Aviation Authority received reports of 1,258 laser incidents, with Heathrow the most frequent location for reports of the devices being used recklessly.
8. Laser beam attacks against the rail network are also a concern. Records from the British Transport Police show that between 1 April 2011 and 30 November 2017, a total of 578 laser incidents were recorded.

Response to the Consultation

9. A response to the consultation was submitted on behalf of the region by the North East Trading Standards Association.

Government Announcement

10. The Government on the 8 January 2018 pledged additional support to local authority ports and borders teams to stop high-powered laser pointers entering the UK.
11. This includes supporting local authority teams to carry out increased checks at the border, including testing products to ensure they are safe. The support will also ensure local authority teams have access to the necessary scientific, technical and testing expertise.
12. The Government also announced that it will work with manufacturers and retailers to improve laser pointer labelling, indicating that they must not be pointed at eyes or at vehicles and must state the power level of the product. The policing of online laser pointer sales will also be improved by working with online retailers.
13. Professor John O'Hagan, of Public Health England, said: "*Over time we have become increasingly concerned about the dangers of growing numbers of unlabelled and incorrectly labelled high power laser pointers being bought by the public.*"
14. *It is tragic that we continue to see eye injuries, especially in children. Laser safety experts at Public Health England have worked closely with local authorities in stopping large numbers of these lasers reaching UK consumers".*
15. The new measures are in support of the new penalties as proposed in the Laser Misuse (Vehicles) Bill. The Bill expands the list of vehicles it is an offence to target with lasers. It also makes it easier to prosecute offenders by removing the need to prove an intention to endanger a vehicle. People who shine laser devices at transport operators could be jailed for up to 5 years.

Recommendation

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

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