

**24 February 2015**

**Agenda Item: 5**

## **REPORT OF THE SERVICE DIRECTOR FOR ACCESS AND PUBLIC PROTECTION**

### **REVIEW OF FEES AND CHARGES MADE TO BUSINESSES AND OTHER AUTHORITIES BY THE TRADING STANDARDS AND COMMUNITY SAFETY SERVICE**

#### **Purpose of the Report**

1. The purpose of this report:
  - a. To obtain approval for the fees and charges made to businesses and other authorities by the Trading Standards and Community Safety Service for 2015/16 following the annual review

#### **Information and Advice**

##### **Metrology Fees**

2. A source of income to the Service is from fees raised from the verification and stamping of weighing and measuring equipment. In 2014/15, the Service is predicted to generate approximately £15k from this activity.
3. In the previous two years, the National Trading Standards Board (NTSB) has issued national guidelines to Authorities with a model to determine charges for such services. No guidelines have as yet been issued this year, so last year's model has been used.
4. On this basis, it is therefore proposed that the rates for 2015-16 are as follows:
  - Weights & Measures Inspector: increase from £67 to £68.50 per hour,
  - Technical Assistant: increase from £37 to £38 per hour
5. The hourly rate will vary depending upon the circumstances under which the services are delivered, for example tests to be carried out on weekends and bank holidays. These variations are contained in the Appendix attached.

6. The proposals incorporate (at point 6 of the Appendix) the discretionary powers to vary fees under certain circumstances as agreed by the Public Protection Committee at its meeting on 27th November 1996.

### **Charges for Services Provided to External Enforcement Bodies**

7. *E-Crime expertise, Intelligence, & Proceeds of Crime Financial Investigations:* The Service currently has two Trading Standards Officers trained up as E-Crime specialists. We are in a position to provide this specialist E Crime support to other authorities in the region who lack this expertise.
8. The Service has its own Intelligence Manager who has access to specialist databases for the analysis of intelligence. This Service can be provided to other enforcement bodies who do not have such expertise.
9. The Service currently has an accredited financial investigator (AFI) who can undertake financial investigations and provide the mentoring legally required by individuals training to be financial investigators. The Government incentivisation scheme provisions made under Proceeds of Crime Act (POCA) legislation means that Trading Standards authorities and other law enforcement agencies are able to get back a proportion of assets confiscated from criminals. The Service is in a position to provide financial investigation support to other authorities in the region who lack access to a financial investigation capability subject to having available capacity.
10. The income received from other enforcement bodies using the above services, is estimated to bring in approximately £7k during 2014/15. It is proposed that the current rate of £60 per officer hour for the above services and the mentoring of trainee financial investigators is increased to £61.50.
11. Where there is a realistic prospect of receiving any incentivisation under POCA, it is proposed a charge is made of £41 per officer hour (increased from £40), plus an agreed proportion of the incentivisation from monies recovered, as agreed on a case-by-case basis by the Group Manager, Trading Standards and Community Safety
12. *Charges for Other Services Provided to External Bodies:* The Service also receives requests to deliver one-off projects, for example a programme of inspections. Because of the one-off/specialist nature of these approaches, and that they often bring other tangible benefits to the authority, it is proposed that the fee to be charged should be agreed by the Group Manager, Trading Standards and Community Safety on a case-by-case basis.
13. It is further proposed that that any fee agreed in such a way should not be below a rate equivalent to full cost recovery of the direct staff time spent delivering the activity.

### **Charges For Primary Authority Work and Business Advice**

14. For many years, the Trading Standards Service has provided high quality advice and support to Nottinghamshire-based businesses, over and above that the authority was required to do by statute. For many years, this was delivered for free.

15. From 1<sup>st</sup> April 2011, the authority changed its policy and began to levy charges for business advice and support on a cost recovery basis. It withdrew from Home Authority relationships, where free support was offered, and moved to statutory based Primary Authority Partnerships. The changes were the subject of Cabinet decision (resolution number CA/2011/00003).
16. Where businesses do not wish to enter into formal Primary Authority arrangements, the costs for any ad-hoc advice or support delivered in excess of the statutory minimum is also now recovered by making a charge.
17. Primary Authority Partnerships: There are currently 22 businesses that have entered into Primary Authority Partnerships with the Service. These partnerships are tailored to the individual business' needs - Trading Standards offers a wide range of support including the provision of detailed compliance advice, the approval of internal systems, monitoring of consumer complaints, staff training or other bespoke support requested.
18. Assured advice given to those businesses and followed within such a relationship is binding on other Local Authorities, providing the certainty that businesses need to trade efficiently and effectively across local authority boundaries.
19. Based on this year's contracted support hours, the cost recovered for 2014/15 using the current charging model is £51,250.
20. The current approach involves agreeing the level of support required for the upcoming 12 month period with the business at the start of the year. This benefits the businesses in that they are assured an annual commitment of officer resource, and also enables the Service to plan its resources and manage budgets more effectively.
21. The Service has been exploring how to cultivate long-term relationships with more businesses in order to support economic growth. Entering into Primary Authority arrangements is a key way to achieve this. The Service has grown the number of Primary Authority arrangements over the year to 22 with four more businesses currently going through the process. Primary Authority is seen as a key way of helping businesses to grow and so the Service will be looking to put more resource into encouraging businesses both inside and outside the county to develop Primary Authority Partnerships with Nottinghamshire Trading Standards.
22. Other Business Advice: During 2014/15 the Service has received £750 for business support from those Nottinghamshire-based businesses that do not have a Primary Authority Partnership but that have requested ad-hoc advice. This has been charged at an hourly rate of £75 per hour.
23. It is therefore proposed from the 1<sup>st</sup> April 2015 to apply a small increase in the charges to account for the increase in staffing costs by:
  - Increasing the current hourly rate charged for Primary Authority Partnerships, from £60 to £61.50; and
  - Increasing the current hourly rate for ad-hoc business support delivered, from £75 to £77

## **Other Options Considered**

24. Maintaining current charges or increasing by more than proposed.

## **Reason/s for Recommendation/s**

25. There has been no increase, over the last two years, in the fees charged to other authorities or businesses who receive business support either through Primary Authority Partnerships or on an ad-hoc basis. There is therefore a need to increase the fees in line with the National Increases set last year in order to help cover the increased costs in 2015/16.

## **Statutory and Policy Implications**

This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **Financial Implications**

The fee increases are in line with National Increase set last year and will help to cover increased costs in 2015/16.

## **RECOMMENDATION/S**

That the committee approves the fees and charges proposed in this report and in the attached appendix, to be charged by the Trading Standards Service from 1<sup>st</sup> April 2015

**PAUL MCKAY**

**Service Director, Access and Public Protection**

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## **Constitutional Comments (SMG 30/01/2015)**

26. The proposals in this report fall within the remit of this Committee.

## **Financial Comments (KAS 04/02/15)**

27. The financial implications are contained within the body of the report.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- 'None'

### **Electoral Division(s) and Member(s) Affected**

- 'All'

## **APPENDIX**

### **Metrology Fees:**

#### **Charges from 1 April 2015 to 31 March 2016 Weights and Measures Act 1985**

The rates for 2015-16 are as follows:

- Weights & Measures Inspector: £68.50 per hour,
  - Technical Assistant: increase £38 per hour
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1. Where at the request of the submitter, any test carried is out on a Saturday, or on a weekday outside the hours of 8.30am-5.00pm (other than a bank holiday) then the hourly rate is increased by 50%.
  2. Where at the request of the submitter, any test is carried out on a Sunday or bank holiday then the hourly rate is increased by 100%.
  3. Where at the request of the submitter, any test is carried out throughout a weekend, i.e. both Saturday and Sunday, then the hourly rate is increased by 75%.
  4. Where the Local Authority has to provide test weights and an associated unit, this cost will be charged in addition to the hourly rate.
  5. Where a request is made for attendance on site for the purposes of testing equipment and on arrival at the site the equipment is not ready for test and is therefore withdrawn from submission, a fee equal to 100% of the appropriate hourly rate plus travelling time to and return from the site will be charged.
  6. The hourly rates included in this report are those which will normally be charged for the submission of items of equipment. The Service Director and nominated representatives have the power delegated to them to vary the fees charged provided that any such variation still ensures full cost recovery.
  7. HM Customs and Excise have concluded that fees may be subject to VAT.
  8. Local Government Association guidance has been that until such time as the Legislation Reform Order comes into effect, reverifications after adjustment are VAT exempt, whereas other verification work is subject to VAT.
  9. VAT is not chargeable on any work completed under the Measuring Instruments (EEC requirements) Regulations 1988.