

28th January 2014**Agenda Item:12****REPORT OF THE SERVICE DIRECTOR FOR PROMOTING INDEPENDENCE
AND PUBLIC PROTECTION****REVIEW OF FEES AND CHARGES TO BUSINESSES AND OTHER TRADING
STANDARDS AUTHORITIES****Purpose of the Report**

1. The purpose of this report is to confirm revised fees for the annual review of metrology fees; and for the review of fees to be charged for certain services provided to other Trading Standards Authorities within the region for approval by Committee.

Information and AdviceMetrology Fees

2. A source of income to the Trading Standards Service is from fees raised from the verification and stamping of weighing and measuring equipment. In the year 2013/14 the Service is predicted to generate approximately £30,000 from this activity.
3. Last year was the first year that the National Trading Standards Board (NTSB) issued national guidelines that followed a similar line to the previously issued Local Government Regulation model. The guidelines published for setting fees for 2014-15 have led to an increase in fees taking into account inflation and a marginal increase in salaries. It is therefore proposed that the rates for 2014-15 are as follows:
 - Weights & Measures Inspector: Current rate of £65 per hour to increase to £67 per hour
 - Technical Assistant: Current rate of £35 per hour to increase to £37 per hour
4. The increase in the hourly rate will help to offset some of the reduction in income due to an anticipated reduction in the request for this service next year by some of the current service users.

5. The hourly rate will vary depending upon the circumstances under which it is requested, 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 other Trading Standards Authorities

7. The Service now looks to levy charges for certain specialist support services to neighbouring Trading Standards Authorities on a cost recovery basis.
8. E-Crime expertise: The Service currently has two Trading Standards Officers trained up as E-Crime specialists. The Council is in a position to provide this specialist E Crime support to other authorities in the region who lack this expertise. To date this year the Service has not provided this support to any other authorities. It is proposed that the current rate of £60 per officer hour should be retained in order to account for the fact that other authorities are also suffering severe budget pressures.
9. Intelligence: The Service's Intelligence Manager now has direct access to the Police National Computer (PNC) to obtain information about individuals and vehicles to assist Trading Standards criminal investigations. The Service is in a position to provide this facility to other authorities in the region without this direct PNC access. To date this year the team has not provided this Service to any other authorities. It is proposed that the current rate of £60 per officer hour should be retained for the same reasons as specified in paragraph 8 above.
10. Proceeds of Crime: Financial Investigation: The Service currently has an accredited financial investigator who can undertake financial investigations and provide the mentoring legally required by individuals training to be financial investigators. Under the government incentivisation scheme under Proceeds of Crime legislation Trading Standards authorities and other law enforcement agencies are able to get back a proportion of the 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.
11. In 2011/12 the income received from other authorities for this financial investigation support was £6,400 and in 2012/13 it was £4,200. The Service's accredited financial investigator left the team in May 2013 and due to delays in recruitment the Service has been without a financial investigator for 8 months, so the predicted income for 2013/14 will be minimal.
12. For 2014/15 it is proposed to maintain the current rates of:
 - Financial investigations: £40 per officer hour (in addition to a proportion of the incentivisation from monies recovered by the financial investigation, as agreed on a case by case basis)

- Mentoring of trainee financial investigators: £60 per officer hour.

Statutory and Policy Implications

13. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) It is recommended that the Community Safety Committee approves the revised fees and charges proposed in this report and in the attached appendix, to be charged by the Trading Standards Service from 1 April 2014.

PAUL MCKAY

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Constitutional Comments (SLB 14/01/201)

14. Community Safety Committee is the appropriate body to consider the content of this report. It is responsible for discharging the Council's duties as a Trading Standards Authority.

Financial Comments (KAS 19/01/2014)

15. The financial implications are contained within paragraphs 2, 3 and 12 of the report.

Background Papers

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

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APPENDIX

Metrology Fees:

Charges from 1 April 2014 to March 2015

Weights and Measures Act 1985

1. Where at the request of the submitter, any test is carried 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. 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. Current LGR guidance is that until such time as the Legislation Reform Order comes into effect re-verifications after adjustment will be VAT exempt, whereas other verification work will be subject to VAT.
9. VAT is not chargeable on any work completed under the Measuring Instruments (EEC requirements) Regulations 1988.