

26th February 2013

Agenda Item: 9

REPORT OF THE SERVICE DIRECTOR, PROMOTING INDEPENDENCE AND PUBLIC PROTECTION

REVIEW OF FEES AND CHARGES TO BUSINESSES AND OTHER EXTERNAL ORGANISATIONS 2013/14

Purpose of the Report

1. The purpose of this report is to:
 - a. obtain approval for the fees to be charged for metrology services in 2013/14; and
 - b. obtain approval for the fees to be charged for other services provided by the Trading Standards Service to external organisations in 2013/14.

Information and Advice

Metrology 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 2012/13 the Service is likely to generate approximately £19,000 from this activity.
3. For 2013/14, the National Trading Standards Board (NTSB) has issued national guidelines on the calculation of metrology fees. Using the principles from this model, it is proposed that the rates for 2013-14 are:
 - Weights & Measures Inspector: - £65 per officer hour
 - Technical Assistant: - £40 per officer hour.
4. It is further proposed that the hourly rate be varied depending upon the circumstances under which the service is requested, for example tests to be carried out on weekends and bank holidays. The proposed variations are set out in the **Appendix** attached.
5. The proposals incorporate (at point 6 of the Appendix) a discretionary power to vary fees under certain circumstances.

Charges for Certain Specialist Services Provided to External Organisations

6. It is recommended that the Service levies charges in appropriate circumstances for services provided to external organisations on a cost recovery basis.

7. **E-Crime expertise:** The Service currently has two trained E-Crime specialists. The authority is in a position to provide this specialist support to other agencies. It is proposed that this should be chargeable at the hourly rate of £60 per officer hour.
8. **Intelligence Services:** The Service's Intelligence Hub has skills and access to certain systems that assist the conduct of Trading Standards criminal investigations. The service is in a position to provide intelligence services to other agencies. It is proposed that this should be chargeable at the hourly rate of £60 per officer hour.
9. **Accredited Financial Investigation Services:** The Service can provide financial investigation and mentoring services legally required by those training to be financial investigators. Under the Home Office incentivisation scheme, Trading Standards authorities are able to receive a proportion of any assets confiscated from criminals. The Service can provide these services to others. The following rates are proposed:
 - Financial Investigations - dependant on what is in the interests of the County Council, either;
 - a. £40 per officer hour, plus an agreed proportion of the incentivisation from monies recovered, as agreed on a case-by-case basis by the Group Manager, Trading Standards; or
 - b. £60 per officer hour where there is no realistic prospect of receiving any incentivisation.
 - Mentoring of trainee financial investigators - £60 per officer hour.

Charges for Other Services Provided to External Organisations

10. 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 on a case-by-case basis.
11. It is further proposed that any fee agreed should not be below a rate equivalent to full cost recovery of the staff time spent directly delivering the activity.

Statutory and Policy Implications

12. 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

13. The above changes all involve an increase in the level of fees charged. The likely impact of this is that the Trading Standards will potentially receive more income.

RECOMMENDATION/S

It is recommended that:

- 1) 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 1st April 2013.

PAUL MCKAY

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Constitutional Comments (NAB 01.02.13)

14. The Community Safety Committee has authority to approve the recommendations set out in this report by virtue of its terms of reference.

Financial Comments (CLK 13.02.13)

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

Background Papers

None.

Electoral Division(s) and Member(s) Affected

All.

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APPENDIX

Metrology Fees:

Charges from 1 April 2013 to March 2014 Weights and Measures Act 1985

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. 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 Group Manager Trading Standards 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. Previous LGR guidance is that until such time as the Legislation Reform Order comes into effect reverifications 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.