

DERBYSHIRE COUNTY COUNCIL

Cabinet Member – Health and Communities

18 July 2013

Report of the Strategic Director Cultural and Community Services

FEES FOR FINANCIAL YEAR 2013/14 TRADING STANDARDS DIVISION

1. Purpose of the report:

To request the Cabinet Member – Health and Communities to approve the fees recommended to be charged during the 2013-14 financial year for the testing and verification of weighing and measuring equipment under the Weights and Measures Act 1985; for registrations under the provisions of the Poisons Act 1972; and for membership of the Derbyshire Trusted Trader Scheme.

2. Information and analysis

- 2.1. The local authority has a statutory duty to enforce the provisions of weights and measures legislation within its area. One of the purposes of the legislation is to ensure that weighing and measuring equipment is fit for use for trade and that errors of measurement are within prescribed tolerances. All prescribed equipment to be used for trade must be verified as being fit by an inspector of weights and measures or, in certain circumstances, an approved (private sector) verifier before being used. Any weighing or measuring equipment presented for testing to the local authority must be examined and if found to comply with legal requirements and, on payment of the fee, passed as fit for use.
- 2.2. The Department of Business Innovation and Skill estimate¹ that £188 million per worth of household goods are sold per annum on the basis of the measurement of their quantity. Goods bought and sold by measure are particularly important for poorer households in the UK, constituting nearly one third of their total weekly expenditure. Lack of confidence in measurement can undermine market confidence. This illustrates the need for accurate equipment to be used in the measurement of goods where sold with reference to quantity.
- 2.3. The Division has ‘Notified Body’ status under the Measuring Instruments Directive 2004/22/EC and 2009/23/EC for Non-Automatic Weighing Instruments. Fees for initial verification of equipment under the authority’s notified body scheme are itemised separately and are either the same or up

¹ <http://www.lbro.org.uk/docs/priority-regulatory-outcomes-report.pdf>

to 25% higher than equipment submitted under section 11 of the Weights and Measures Act 85. The actual amount of fee depends upon the type of equipment. This reflects additional costs associated with examination, testing, documentation and maintenance of Notified Body status. Such equipment presented for in-service verification may be charged at rates specified for equipment submitted under section 11 of the Weights and Measures Act 85.

- 2.4. Verification levels are lower than they were five years ago, mainly as a result of more businesses using the private sector for verifications and because of the closure of a Chesterfield based water-meter manufacture in 2009. The decline in weighing and measuring income is shown in the table below.

Decline in Weights and Measures Fee Income

| Weights and Measures Fees and Charges Income | | | | | | |
|---|----------------|----------------|----------------|----------------|----------------|-----------------|
| | 2007-08 | 2008-09 | 2009-10 | 2010-11 | 2011-12 | 2012-13* |
| Income Target (£) | 39,495 | 40,680 | 41,697 | 42,322 | 43,148 | 44,031 |
| Actual Income (£) | 26,312 | 27,348 | 15,360 | 20,642 | 20,590 | 10,520 |
| Deficit (£) | 13,183 | 13,332 | 26,337 | 21,680 | 22,558 | 33,511 |

- 2.5. Larger businesses such as supermarkets and petrol retail chains tend to use private sector self-verifiers to ensure that their weighing and measuring equipment is 'fit for use for trade'. However, smaller businesses rely on the local authority to provide this service. The availability of the notified body scheme can help business bring new products and technology to market. Again, smaller manufacturers can find it difficult to gain authorisation to self-verify weighing and measuring equipment. The authority has assisted such a local company by being able to verify a number of on-board automatic weighing systems mounted to refuse collection vehicles.
- 2.6. The fees approved for weights and measures verification work include a surcharge for work done outside normal working hours. As a result of single status the amount payable to staff has been reduced and so, in order to remain competitive and to ensure that the authority is operating on a cost recovery basis, it is proposed that the additional overtime fee charged for verification work outside the normal 07:00 to 19:00 Monday to Friday period is reduced to standard plus 33% and for bank holidays to standard plus 50% to cover any additional over-time costs where authorised.

Poisons Act 1972

- 2.7. The proposed fees for registrations under the Poisons Act 1972 are shown in appendix 1 with no increase in charges over the fees charged in 2012/13.

Derbyshire Trusted Trader Scheme

- 2.8. Derbyshire Trusted Trader Scheme was launched in November 2008 to provide Derbyshire residents with access to local traders who were

committed to providing a reliable service at a fair price. The scheme was launched as a joint venture between Adult Care, Community Safety and Cultural and Community Services and was to be administered and managed by the Trading Standards Division. The fee level was set at a rate to ensure that it was accessible to small and medium sized businesses rather than to necessarily cover the cost of running the scheme in order to maximise membership.

- 2.9. Under the terms of the scheme, trade members are entitled to three month's notice of any change in fee levels. It is recommended that the Trusted Trader membership fees are not increased for the financial year 2013-14, but that consideration is given to an increase in fees from April 2014. If agreed, the fees will remain for the current financial year as follows;

Application fee - the application fee, including 1st year of membership:

£38.00 (incl. VAT) for sole traders and social enterprises
£54.00 (incl. VAT) for all other businesses.

Annual renewal fee:

£32.00 (incl. VAT) for sole traders and social enterprises
£48.00 (incl. VAT) for all other businesses.

For larger businesses running more than one outlet, there will continue to be an application and renewal fee payable for each outlet.

The total membership of the scheme is currently approximately 1,300 businesses and the fee income in 2013-14 was £39,120.

3. Other considerations:

In preparing this report the relevance of the following factors has been considered:

Legal considerations:

- 3.1. The Local Government Planning and Land Act 1980 provides that fees to be charged for the testing and stamping of weighing and measuring equipment under the Weights and Measures Act 1985 shall be determined by individual local authorities. A similar provision relates to fees for registrations under the Poisons Act 1972.

Financial:

- 3.2. The fees which are determined by individual local authorities are set out in Appendix 1. The authority has followed guidance provided by the Local Government Association on setting fees which should be on a cost recovery basis. Having taken into consideration the current economic climate, it is recommended that there is no increase in the fees charged for weights and

measures verification services. However, there is a proposal to reduce the out of hours surcharge to 33% for out of hours periods other than statutory bank holidays when the proposed surcharge would be reduced to 50%.

3.3. The value of work from weights and measures verification and calibration activities in 2012-13 was £10,520 of which £6,745 was from calibration services conducted at Chatsworth Hall. The total income for 2013 – 14 is forecast to be a similar figure of which the calibration contribution is expected to be approximately £6,500. However, the general trend for weights and measures fees income is down because of a reduction in local businesses requiring weights and measures verifications and also because of competition from private sector verifiers.

3.4. Again, due to the current economic outlook, it is recommended that the fees for registration under the Poisons Act 1972 remain the same as charged in the financial year 2011-12.

3.5. The fees incorporate VAT @ 20% imposed from 4th January 2011.

Equality and Diversity:

3.6. In reviewing the levels of fees there are not considered to be any, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

4. Background papers

No

5. Key Decision:

Yes/No

6. Call-in:

Is it required that call-in be waived for any decision on this report?

Yes/No

7. Strategic Director's recommendation:

That the Cabinet Member – Health and Communities agrees the fees recommended for the financial year 2012-2013 as set out in Appendices 1 and 2 and to consider an increase in trusted trader membership fees from April 2014.

Martin Molloy
Strategic Director
Cultural and Community Services

The weights and measures act 1985 –sections 11(5), 49(4), 74(2), 74(4) and 76scale of fees for 2013/14 Appendix 1 is shown in a separate document attached.

Trusted Trader – Proposed Fees for 2013 – 14 (no change)

Appendix 2

| Category | Proposed Fees | |
|---|--------------------------------|------------------------------|
| | Fees inc VAT @20% £ | Fees net of VAT £ |
| Sole trader (initial membership) | 38.00 | 31.67 |
| Sole trader (renewal) | 32.00 | 26.67 |
| Partnership / Limited Co. (initial membership) | 54.00 | 45.00 |
| Partnership / Limited Co. (initial membership) | 48.00 | 40.00 |

**WEIGHTS AND MEASURES ACT 1985 –
Sections 11(5), 49(4), 74(2), 74(4) and 76**

SCALE OF FEES FOR 2013/14

All fees are for work carried out during normal office hours. (That is 07:00 hrs – 19:00 hrs weekdays, except for Statutory Bank Holidays). Where submitters of equipment request tests to be conducted outside of these hours, a surcharge of 33% of the amount shown for a specific instrument or the hourly rate shall be added to the fee. Where submitters of equipment request tests to be conducted on a Statutory Bank Holiday, a surcharge of 50% of the amount shown for a specific instrument or the hourly rate shall be added to the fee. Where equipment for test on site is re-submitted following a previous withdrawal of request which resulted in expense, but no fee, to the Derbyshire County Council, then a surcharge may be added, at the discretion of the Chief Inspector of Weights and Measures, based at the rate of £69.8 + VAT £13.96 = £83.76 per hour for officer time incurred, to the fee(s) payable for the equipment that has been re-submitted and tested.

Fees for the Purpose of Section 11(5)

| Fees for 2013/14 | VAT | TOTAL |
|---------------------|-----|-------|
|---------------------|-----|-------|

| | | | | |
|----------|---|---------|--------|---------|
| A | <u>Linear Measures</u> (with or without divisions or sub-divisions), the scales not exceeding 3 m. Each Scale | £8.61 | £1.72 | £10.33 |
| B | <u>Capacity Measures</u> (without divisions or sub-divisions), not exceeding 2 pints (if Imperial) or 1 litre (if Metric) Each Measure. | £6.06 | £1.21 | £7.27 |
| C | <u>Cubic Ballast Measures</u> (other than Brim measure) Each Measure | £150.86 | £30.17 | £181.04 |

(i) Where two or more measures are submitted for test on the same occasion and at the same place, the fee for the second or subsequent measure or measuring instrument shall be reduced by 50%.

(ii) Where different measures are tested on the same occasion and at the same time, the full fee shall be charged for the highest value submission and the 50% reduction made for others commanding the same or lower fee.

| Fees for 2013/14 | VAT | TOTAL |
|---------------------|-----|-------|
|---------------------|-----|-------|

D Measuring instruments for measuring liquid fuel or lubricants or mixtures thereof:

| | | | |
|-------------------------------------|---------|--------|---------|
| Container types unsubdivided | £61.45 | £12.29 | £73.74 |
| Single/Multi-outlets | | | |
| First Nozzle tested | £101.03 | £20.21 | £121.24 |
| Each Additional Nozzle tested ... | £61.66 | £12.33 | £73.99 |

A charge to cover any additional costs involved in testing ancillary equipment that requires additional testing on site, such as credit card acceptors, shall be based upon the basic fee given above plus additional costs at the rate of £69.8 + VAT £13.96 = £83.76 per extra officer/hour.

E Measuring Instruments for Intoxicating Liquor

Single or multiple submissions at the same occasion and place:

Not exceeding 150 ml

| | | | |
|---|--------|-------|--------|
| Single and first instrument | £14.00 | £2.80 | £16.80 |
| 2 nd -19 th instrument (per instrument) | £3.00 | £0.60 | £3.60 |
| 20 or more – all to be charged at | £3.00 | £0.60 | £3.60 |

Other:

| | | | |
|--|--------|-------|--------|
| Single or first instrument | £16.40 | £3.28 | £19.68 |
| 2 nd – 19 th Instrument (per instrument) ... | £5.50 | £1.10 | £6.60 |
| 20 or more – all to be charged at | £5.00 | £1.00 | £6.00 |

F Weights

| | | | |
|--------------------|-------|-------|-------|
| Each Weight | £5.50 | £1.10 | £6.60 |
|--------------------|-------|-------|-------|

G 1) Non Automatic Weighing Instrument – UK Verification

Capacity, as marked on the machine: –

| | | | |
|---------------------------------------|---------|---------|---------|
| Not exceeding 15 kg | £24.30 | £4.86 | £29.16 |
| Exceeding 15 kg to 100 kg | £34.60 | £6.92 | £41.52 |
| Exceeding 100 kg to 250 kg | £50.70 | £10.14 | £60.84 |
| Exceeding 250 kg to 1 tonne | £85.90 | £17.18 | £103.08 |
| Exceeding 1 tonne to 10 tonnes..... | £138.00 | £27.60 | £165.60 |
| Exceeding 10 tonnes to 30 tonnes..... | £290.00 | £58.00 | £347.99 |
| Exceeding 30 tonnes to 60 tonnes..... | £434.99 | £87.00 | £521.99 |
| Exceeding 60 tonnes | £565.99 | £113.20 | £679.19 |

| Fees for 2013/14 | VAT | TOTAL |
|---------------------|-----|-------|
|---------------------|-----|-------|

2) EC Verification

Capacity as marked on the machine:-

| | | | |
|-------------------------------|---------|--------|---------|
| Not exceeding 250 kg | £50.70 | £10.14 | £60.84 |
| Exceeding 250 kg to 10 tonnes | £138.00 | £27.60 | £165.60 |

Instruments as in (1) or (2) above, but incorporating electronic price computing with associated display or printing facilities:

H (i) 150% of the fee which would otherwise be payable rounded, where appropriate, to the nearest 10p if less than £100 and to the nearest £ if in excess of £100.

(ii) Reduction in fees: EITHER (i) OR (ii) below applies, but not on the same occasion.

iii) Where two or more weighing instruments in the same fee category are submitted for test on the same occasion and at the same place, the fee for the second or subsequent instrument shall be reduced by 50%. Where more than one instrument from different fee categories are tested the full fee shall be charged for the highest value submission, and the 50% reduction made for others commanding the same or lower fee.

(iv) Where weighing equipment is submitted AND the submitter provides ALL test weights (in excess of 20 kg) the fee shall be reduced by 50%.

I Measuring equipment for measuring liquid fuel in excess of 100 litres dispensed from road tankers –

1) Meter measuring systems – each system:

| | | | |
|--|---------|--------|---------|
| Wet-hose type, based on two liquids being used for testing | £159.00 | £31.80 | £190.80 |
| Dry-hose type, based on two liquids being used for testing | £180.00 | £36.00 | £216.00 |

2) Dipstick measuring system – each system:-

| | | | |
|---|---------|--------|---------|
| Basic fee up to 7,600 litres (for Calibration of each compartment Production of calibration chart) NB for any compartment over 7,600 litres, basic fee plus additional costs at the rate £69.8 + VAT £13.96 = £83.76 per extra officer/hour) | £140.00 | £28.00 | £168.00 |
| Initial dipstick | £16.40 | £3.28 | £19.68 |
| Spare dipstick | £15.80 | £3.16 | £18.96 |
| Replacement dipstick (including examination of compartment) | £35.80 | £7.16 | £42.96 |

Where two or more measuring systems or dipsticks are submitted for test at the same place and on the same occasion the fee for the second or subsequent system shall be reduced by 50%.

Measuring equipment for measuring liquid fuel in excess of 100 litres dispensed from road tankers – (continued)

Fees for the Purpose of Section 11(5)

| Fees for 2013/14 | VAT | TOTAL |
|---------------------|-----|-------|
|---------------------|-----|-------|

| | | | |
|--|--------|--------|--------|
| Following an occurrence under Regulation 65 or 66 of the Measuring Equipment (Liquid Fuel Delivered from Road Tankers) Regulations 1983, as amended: Per office hour spent at the place of submission for the purposes of examination, testing or stamping of the equipment ... | £69.80 | £13.96 | £83.76 |
|--|--------|--------|--------|

J Other Weighing or Measuring Equipment

| | | | |
|---|--------|--------|--------|
| For equipment other than the categories specifically described above, per officer hour spent at the place of submission for the purposes of examination, testing or stamping or stamping of the equipment ... | £69.80 | £13.96 | £83.76 |
|---|--------|--------|--------|

Fees for the Purpose of Section 74(2)

| | | | |
|--|-------|-------|-------|
| K <u>Adjustment of weights</u> (for each weight) | £3.00 | £0.60 | £3.60 |
|--|-------|-------|-------|

Fees for the Purpose of Section 74(4)

| | | | |
|---|--------|--------|--------|
| L <u>Per officer hour spent at the place of submission for the purpose of certification</u> Request test | £69.80 | £13.96 | £83.76 |
|---|--------|--------|--------|

| | | | |
|---|--------|-------|--------|
| For the issue of a certificate of accuracy... (except for laboratory work) | £14.50 | £2.90 | £17.40 |
|---|--------|-------|--------|

| Fees for 2013/14 | VAT | TOTAL |
|---------------------|-----|-------|
|---------------------|-----|-------|

M EC initial or partial verification

| | |
|--|--|
| 1) For the testing of weighing or measuring equipment with a view to EC initial or partial verification | The fee given in the Section above for the same class of equipment (or class of equipment to which the item submitted most clearly relates). |
|--|--|

| | | | |
|---|--------|--------|--------|
| 2) For other services or facilities provided or for authorisations, certificates or other documents issued in pursuance of a community obligation per officer hour | | | |
| | £69.80 | £13.96 | £83.76 |

Measuring Instrument Directive

Derbyshire is a Notified Body for the following classes of equipment:-

- 10) Cold Water Meter for Domestic Use
- 2) Measuring Instruments for liquid fuel and
- 3) Automatic Catch Verifiers
- 4) Automatic Check Weighers
- 5) Automatic Gravimetric Filling Instruments
- 6) Capacity Serving Measures

1) Cold water meters for domestic use

| | | | |
|------------------------|--------|--------|--------|
| (Standard Hourly Rate) | £69.80 | £13.96 | £83.76 |
|------------------------|--------|--------|--------|

2) Measuring Instruments for Liquid Fuel and Lubricants

| | | | |
|----------------------------------|---------|--------|---------|
| (i) Container types | £64.90 | £12.98 | £77.88 |
| (ii) Single multi nozzle outlets | | | |
| First Nozzle | £107.00 | £21.40 | £128.40 |
| Each additional nozzle tested | £65.10 | £13.02 | £78.12 |

(iii) A charge to cover any additional visits involved in testing ancillary equipment that requires additional testing on-site, such as credit card accepted shall be based on the fee given above plus additional costs at the rate of 69.80 + VAT £13.96 = £83.76 per hose.

3) Automatic Catch Weighers

As specified in the table in Section G

4) Automatic Check Weighers

As specified in the table in Section G

5) Automatic Gravimetric Filling Instruments

As specified in the table in Section G

6) Capacity Serving Measures

| | | |
|-------|-------|-------|
| £7.30 | £1.46 | £8.76 |
|-------|-------|-------|

Additional fee is for initial Measuring Instrument Conformity assessment and verification but subsequent re verification is charged at the fees as specified in Section D and G.

Weights and Measures (Pre-packed Goods) Regulations 2006

- 1 In relation to any classes of equipment mentioned in the section above, the same fee for the class of equipment to which the item submitted most clearly relates.

(i) For equipment other than that specified previously at the rate of £69.80 + VAT £13.96 = £83.76 per hour.

Fees determined by Derbyshire County Council

Hire of the Division's Cast Iron Working Standard and Test Weights

1) Whole Tonne Hire

At a rate of £50.00 + VAT £10.00 = £60.00 per tonne for the first day or part day of hire, a day being taken as any period of 24 hours. Subsequent days or part days will be charged at a rate of £30.00 per day or part day.

2) Part Tonne Hire

At a rate of £25.00 + VAT £5.00 = £30.00 for the first day or part day for the first 300 kg and an additional charge of £3.70 + VAT £0.74 = £4.44 per 100 kg per day or part day for additional weights required up to 1 tonne. Subsequent days or part days will be charged at a rate of £20.00 + VAT £4.00 = £24.00 per day or part day for the first 300 kg and an additional charge of £2.50 + VAT £0.74 = £4.44 per 100 kg per day or part day for additional weights required up to 1 tonne

Hire of reference meters

Hire of the Division's Bulk Flowmeter Calibration Unit

At a rate of £237.67 + VAT £47.53 = £285.2 per day (between 9.00 am and 5.00 pm) to include the unit and a driver/operator. In addition hours on site outside 9.00 am – 5.00 pm will be charged at standard hourly rate £69.8 + VAT £13.96 = £83.76.

Hire of unit up to 2 hours in duration on site will be charged at hourly rate £69.8 + VAT £13.96 = £83.76.

Hire of the Division's Water Meter

At a rate of £31.420 + VAT £6.28 = £37.7 per day.

Other Fees:

Fees for any unusual and occasional services, which are not covered by the above, shall be determined at the discretion of the Chief Inspector of Weights and Measures.

- 1 The above guidance is without prejudice to the provisions of Sections 11, 12 and 77, which relate to the provision of assistance to Inspectors.
- 2 The guidelines have been designed to ensure full cost recovery for the provision of these services by an average authority. Authorities operating under exceptional circumstances should not be inhibited in departing from the scale by way of, for example, discount for large quantity submissions, or surcharge where exceptional operational difficulties are normally encountered.
- 3 Equipment submitted under the Measuring Instruments (EEC) Regulations 1988 is not subject to VAT.
- 4 In the event of second stage verification under Non Automatic Weighing Instruments Regulations 2000 the fee charged shall be the appropriate rate per hour or pro rata.
- 5 The appropriate fee shall be payable whether or not the equipment is passed as fit for use for trade, or received the stamp of EC partial or initial verification, as the case may be.
- 6 The appropriate fee shall be payable whether or not the equipment is passed as fit for use for trade, or received the stamp of EC partial or initial verification, as the case may be.
- 7 Provision for normal travelling time and costs have been built in to the LACORS guidance fees.
- 8 In the case of unusual circumstances, the Chief Inspector of Weights and Measures shall have discretion to increase or decrease fees.

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| <p><u>Poisons Act 1972</u> Scale of Fees for 2013/2014</p> |
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|-------------------------------|
| <p>Fees for 2013/2014</p> |
|-------------------------------|

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|-----------------------------|
| Initial Registration |
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| £32.62 |
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|------------------------|
| Re-registration |
|------------------------|

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|--------|
| £17.22 |
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| Change in Details of Registration |
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|-------|
| £8.80 |
|-------|