



**ASSOCIATION OF  
CHIEF POLICE OFFICERS**

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# **ACPO and the APCCs Guidelines on Charging for Police Services**

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**The Association of Chief Police Officers has agreed to these revised guidelines being circulated to, and adopted by, Police Forces in England, Wales & Northern Ireland.**

**It is NOT PROTECTIVELY MARKED under the Government Protective Marking Scheme and any referrals for advice and rationale in relation to Freedom of Information Act disclosure, should be made to the ACPO Central Referral Unit at [acpo.advice@foi.pnn.police.uk](mailto:acpo.advice@foi.pnn.police.uk).**

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# Document information

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Author	<b>Niki Howard</b>
Force/Organisation	<b>Cambridgeshire Constabulary</b>
ACPO Business Area	<b>Finance &amp; Resources</b>
APP/Reference Material	<b>Reference Material</b>
Contact details	<b>Bob Meadows - Staff Officer 01234 842800</b>
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**These revised guidelines have been produced and approved by the National Policing Finance & Resources Business Area. This document was considered and approved by the Professional Practice Gateway Group on the 15<sup>th</sup> July 2013. The document was originally approved by ACPO Cabinet on 7<sup>th</sup> July 2010. The purpose of this document is to provide comprehensive advice on cost recovery. Please note Appendix 3 (the ACPO Charge Rates have been revised for 2014 to 2015). It will be updated and re-published as necessary.**

**Any queries relating to this document should be directed to either the author detailed above or the ACPO Programme Support Office on 0207 084 8959/8958.**

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## **1. FOREWORD**

There are many competing demands on police resources and it is important that managers recognise that meeting those demands often has a significant cost implication. The key principle of this document is ensuring that Forces can properly balance resources to provide a level of policing that is fit for purpose by making appropriate decisions on when and what to charge for police services.

For the most part policing is part of centrally and locally tax-funded services. In this way the majority of policing is provided as a public service. There are some functions that police officers perform that are provided beyond day to day policing, and in some of these cases there are powers in law for a Police & Crime Commissioner to recover the costs of this additional policing under the provision of "Special Police Services."

In other areas, there are opportunities for the service to provide goods and services which are relevant to their roles and skills.

The Association of Chief Police Officers (ACPO) first issued guidance on charging for police services in 2005. Working in consultation with the Association of Police & Crime Commissioners (APCC), this original document has now been updated to set it within the wider landscape of policing in and within communities, and to reflect necessary adjustments to the charging regime as a result of recent case law.

In March 2006 the case of Reading Festival Limited v West Yorkshire Police Authority was heard at the Court of Appeal. This followed a dispute between the police force and a festival organiser over the cost of policing an event.

Subsequently, in 2007 and 2008 another significant case (Greater Manchester Police vs. Wigan Athletic AFC Ltd) added to the overall set of implications that need to be taken account of in charging for police services.

This guidance is intended to offer a clear charging framework that will be of value both to police resource managers and to organisers of events, who may incur costs connected with policing.

## 2. GUIDELINES

### Chapter One

#### EXECUTIVE SUMMARY

##### 1 Background

The police service is generally provided out of public funds for the benefit of the public at large. However there is a limited range of activities where it is appropriate for the service to make charges to individuals or organisations to recover costs. Ensuring that charges are levied effectively in such circumstances will protect the public police provision and contribute to the overall funding of the service.

Historically, charges levied have been variable between police authorities and within police forces. Some variability may be legitimate but consistency should be achieved where possible to secure credibility and confidence in the charging processes and to ensure that proper cost recovery across the service is not undermined.

The service is increasingly implementing charging policies on a delegated basis within forces. Delegation requires an agreed framework of policies and procedures to ensure that individual decisions at different points in the organisation are made on a consistent basis and in accordance with the corporate requirements of the PCC and force.

In pursuance of these objectives the original version of this guidance (*Paying the Bill*), which was published by ACPO in 2005, was aimed primarily at police service managers. This current version has been revised in association with the APCC and is addressed at Police & Crime Commissioners (PCCs) as well as police force managers.

In addition this revised version provides guidance following legal judgements (the 'Mean Fiddler' case, and latterly GMP vs. Wigan Athletic AFC) affecting the charging for special police services.

##### 2 Scope

The ability to charge for police services is generally determined by statutory provisions. This guidance covers four main areas:

- The provision of Special Police Services at the request of any person under Section 25 of the Police Act 1996 which makes such services subject to payment of charges as determined by the PCC. Special police services generally relate to policing an event, e.g. a pop concert, or series of events, e.g. football matches. Section 26 of the 1996 Act applies similar requirements to the provision of police services overseas;
- Section 15 of the Police Reform and Social Responsibility Act 2011 extends to PCCs the powers of the Local Authorities (Goods and Services) Act 1970 to supply goods and services to other bodies or persons. This may include services provided in competition with other providers, e.g. training or vehicle maintenance, where charges will reflect market rates, or services as a by-product of core police activity such as provision of collision reports;
- The provision of police services to other agencies such as the UK Border Agency or the prison service;
- The provision of Mutual Aid to other forces.

### 3 Responsibilities

The PCC has a statutory responsibility for the overall finances of the police force. The PCC approves an annual budget and sets the local precept. The Chief Constable is responsible for the subsequent financial management of the force under delegation from the PCC. The PCC should therefore approve in consultation with the Chief Constable a framework of financial policies and regulations within which that delegated responsibility operates, including policies and processes for charging.

The Chief Constable is responsible for agreeing the services to be provided. This will normally be in accordance with a risk-based assessment. The Chief Constable will assist the PCC in determining a charging policy and is then responsible for implementation of that policy within the agreed terms of delegation. Individual force managers will have delegated responsibilities as agreed by the Chief Constable.

### 4 Costing Methodology

Charging relies on the accurate recording and appropriate allocation of costs. The sound financial systems operated by the police service provide a firm foundation in this regard. There are then two principal issues to address in establishing the cost base for charging purposes.

Firstly, it is desirable to have a standard approach across the service which means that any variations in costs, and therefore charges, reflect real cost differences between forces. The costing model set out in Section 2 of this guidance therefore incorporates standard approaches for the following items:

- police basic pay and allowances;
- police overtime;
- relevant ancillary costs;
- general overhead recovery;
- productive hours and deployable time.

Secondly, a decision has to be taken as to which elements of cost will be reflected in the charges for services delivered in different circumstances. Charges could be restricted to recovery of actual direct costs only or, at the other end of the scale, could be based on the full economic cost. The costing model therefore allows the derivation of costs according to different definitions which can then be applied appropriately within the charging policy.

### 5 Charging Policy

Each PCC should set their own charging policy having regard to its local circumstances. However a number of key principles have been identified which should underpin the policy:

- Charging policy should have regard to the requirements for stewardship of public funds;
- The policy should be set in the context of the overall funding position of the Office of the PCC;
- Charging policy should have regard to and reflect national guidance;
- Charging policy should have regard to the PCC's overall policing objectives;
- Charging policy should reflect proper accountability and ensure that costs are met by the body responsible for the purpose for which the service is being delivered;
- Private persons/bodies should not be able to profit at the expense of the police service;
- The policy should be clear and transparent to both providers and receivers of the service, and all decision-making within the policy should be transparent;
- The charging policy should be consistent in its application, including where discretion is allowed;
- Charges should be based on a robust and sound costing methodology;
- The basis of cost calculations should be consistent, so that significant variations in charges are explained by local circumstances rather than methodology differences;
- There should be a clear understanding of how the charging policy and costing methodology are to be applied by practitioners.

## 6 Special Policing Services (Policing of Events)

The definition of special police services and the conditions for charging at events have been the subject of a number of legal cases, including Reading Festival Limited v West Yorkshire Police Authority (the 'Mean Fiddler' case) and latterly GMP v Wigan Athletic AFC.

In these cases, an event is an occurrence, out of the normal activity that takes place to provide an experience or defined activity to commercial or non commercial reasons. Special Police Services are police services provided over and above core policing at the request of a person or organisation. It can be provided to a place or a defined locality by agreement with the organiser. The nature and definition of locality can vary widely, depending on the event concerned. Payment for the services is the subject of a contractual arrangement with implications for prior agreement on both sides.

It is the Chief Constable's responsibility to determine the level of policing required for each event on the basis of a risk assessment. This assessment will normally cover both crime and disorder and public safety issues and when taken with the event promoter's responsibilities towards the safety of the event concerned, form the basis of the required policing deployment. This should then form the basis of the contractual arrangement between the force and the event organiser.

To ensure that the Chief Constable's view is given due weight in the event of disagreement, the PCC and the force should maintain good relations with the safety and licensing bodies in their area.

Charging policy needs to distinguish between different categories of event, in particular:

- Commercial events, intended to generate private profit;
- Non-commercial events, ie charitable or community events;
- Statutory events reflecting constitutional rights or processes.

PCCs are strongly recommended to charge the full economic cost of Special Police Services provided for commercial events. It is essential that this approach is adopted consistently across the country to ensure that legitimate recovery of police costs is not undermined. Any departure from this principle should only be made on exceptional grounds and with the specific approval of the PCC.

It is appropriate to consider abating charges for non-commercial events. The trust and confidence of local communities are fundamental to the success of modern policing, both in respect of neighbourhood policing and securing cooperation and information to address serious crime and terrorism, and this is a proper factor to take into account in considering the policing of community events and any charges.

Whilst charitable events may generally be viewed favourably, PCC needs to give careful consideration to their policy on charging for police services. Some major events may require substantial policing and can generate large sums albeit for charitable distribution. A reasonable contribution towards police costs as a necessary part of the organisation of the event is both desirable and feasible. Non recovery of costs represents a subsidy from public funds and authorities should satisfy themselves that they are supporting appropriate charitable purposes in this way.

The detailed guidance describes a model for determining levels of charge for non-commercial events based on an evaluation of relevant features of the event. This model should be adopted by PCCs to fit their own circumstances and policies. For events where policing requirements are small then a de minimis level applies so that no charge is levied. Above this level, a charge is normally set, although abated by reference to the model. PCCs may alter this in exceptional cases where such an approach can be justified.

Policing of statutory events is part of core activity and no charges should be made.

## **7 Provision of Goods and Services to Third Parties**

Potentially police authorities could provide and charge for a wide range of goods and services. Indeed the statutory support for this has been strengthened recently by the application to PCCs, as best value local policing bodies, of Section 93 of the Local Government Act 2003.

However in practice the scope is limited in a number of ways. First any service or activity has to be supported by PCC's statutory powers. In effect such a service must spin off from normal police activity or be an activity which is incidental to the provision of the police service. The level of chargeable services must also be reasonable and proportionate to the services required by the police force itself. Chargeable activity should ultimately support and not undermine the core purpose of providing a public police service.

There are services which are common to all police forces and unique to the police service, such as the issue of firearms certificates or the provision of copies of accident reports, for which the guidance sets out standard rates of charge which should be applied across the service.

Other services which support the police service itself have a market-competitive dimension. These include for example training in particular skills or vehicle maintenance. Where such services are provided to other bodies the charges will have to take account of market rates. The general principle should be that, as a minimum, charges should recover the costs of supplying the service. Where market conditions permit charges could be levied up to the full economic cost in order to contribute towards overheads.

## **8 Charging for Services to Government Agencies**

The police service increasingly provides a range of services for, and with, other government agencies. These are often part of central government such as the UK Border Agency, but they may also be arms-length agencies with a quasi-commercial status.

Even where the purpose of particular activity supports the responsibilities of a separate government body or service, the police force may be securing benefits towards its own objectives. Recovery of costs should be based on direct employment and other specific costs incurred.

In the case of quasi-commercial activity, assessment of charges should start with the resource cost, i.e. direct costs and direct overheads, and increase up to full economic cost subject to any market constraints.

## **9 Provision of Mutual Aid to other forces**

Mutual aid under Section 24 of the Police Act 1996 is the provision of policing assistance to another police force. It is usually provided in response to or in anticipation of a major event. The general principles of direct cost recovery should apply. It is recognised that this is a complex area, and a separate guidance document, 'Guidance on Charging for Police Services: Mutual Aid Cost Recovery' has been produced.

Revisions to this Guidance will be published annually at the start of each calendar year. The timing of these revisions will capture the impact of the annual pay settlement and the current rate of inflation. The market forces and legal precedent that determine appropriate charging are subject to change and this will also be reflected in subsequent revisions.



## **Chapter Two**

### **CHARGING FOR POLICE SERVICES**

#### **SECTION 1 PRINCIPLES AND CHARGING METHODOLOGY**

##### **1.0 Background**

- 1.1 Police services for which charges are raised represents a small part of overall police activity. By far and away, the majority of budgeted police resource is used in the statutory duty to police the community. This is funded in the main by the national taxpayer, with a small but increasing proportion funded by local taxpayers. Businesses also contribute indirectly through redistributed business rates.
- 1.2 There has, though, evolved circumstances where police time and expertise can be charged to third parties. Powers exist to make charges and a summary of these are shown at Appendix 1. These powers have also evolved and been interpreted over time to make a clear delineation between core policing activity and chargeable services.
- 1.3 The nature of the policing services has also changed over time. There is still a significant amount of direct policing (described as "Special Police Services") charged for - predominantly, to police events. This can be single events e.g. a pop concert or agricultural show, or a number of linked events such as policing football or other sporting matches. Other examples though would now include policing shopping malls or entertainment complexes and, potentially, pubs/clubs. For these events, charges reflect the provision of services over a period of time or for a number of occasions.
- 1.4 There are now a range of 'customers' for policing services. Well established users include professional football and rugby clubs. Other users include commercial promoters and non-commercial organisations including charities, and local authorities. It should be noted that the mere designation of an event being charitable does not itself negate the charging of legitimate operating costs, including the provision of special police services. Latterly, there has been an increase in forces providing policing services to other Government agencies – such as the UK Border Agency.
- 1.5 There is one other area to be considered under the general heading of charging for police services. This is the charge applied for providing services by one (or more) force to another force.
- 1.6 In addition there is now a range of other activity relating to the use of expertise of officers and police staff that can be provided as a service to 3<sup>rd</sup> parties. This falls into the more general category of income generation and uses particular sections of the Police Act. Finally, there are some services that relate to the provision of information, say, collision reports, etc.
- 1.7 Policing events now has an enormous range of scale to consider. From local festivals to Grand Prix; from lower league football to the FA Cup final - all are events which need consideration. In general, the police service exists to police local communities and its resources are structured to achieve this. Few would argue that part of this involves policing small scale events, as part of the role of visibility and public reassurance. But, this is far removed from policing 70,000 supporters in Manchester converging on a small locality to watch a football match, or over 100,000 people attending a 3-5 day pop festival.

##### **2.0 Responsibilities**

- 2.1 The PCC has a statutory responsibility for the finances of the police force. The Chief Constable is responsible for the financial management of the force under a general delegation from the PCC. In general terms therefore the PCC should approve the framework of financial policies and procedures within which that delegated responsibility operates.
- 2.2 In the general context of the police service's overall financial arrangements, it is the PCC's responsibility to approve policies for charging for police services. In the case of special police services

there is also a specific statutory requirement under Section 25 of the 1996 Police Act which permits the Chief Constable to provide special police services at the request of any person subject to the payment to the PCC of charges on such scales as may be determined by that PCC.

2.3 The PCC's responsibility for setting charging policy, particularly in relation to special police services but also chargeable services generally, includes the following elements:

- Establishing, in consultation with the Chief Constable, and approving the overall policy;
- Agreeing the scope of delegation to the Chief Constable;
- Determining exceptional cases;
- Monitoring implementation through annual reports;
- Reviewing the policy periodically;
- Supporting actions agreed with the Chief Constable.

2.4 The Chief Constable is responsible for determining the police services to be provided in chargeable circumstances. This will normally be according to a risk-based assessment. In the case of special police services provision should be in response to a request. The Chief Constable will need to decide whether he/she can support an event proceeding in the light of the services requested or in the absence of a clear request, and consider appropriate action.

In terms of charging for police services, the Chief Constable's responsibilities include:

- Engaging the PCC in establishing the charging policy;
- Determining responsibilities and levels of delegation within the force;
- Ensuring that exceptional cases are consulted and agreed with the PCC;
- Providing periodic reports to the PCC;
- Identifying where there may be difficulty in recovering charges and consulting the PCC on action proposed in exceptional cases.

### 3.0 Charging Policy - Key Principles

3.0 A number of key principles have been identified which should underpin the charging policy. These are:

- a) Charging policy should have regard for the requirements for stewardship of public funds;
- b) The policy should be set in the context of the overall funding position of the Office of the PCC;
- c) Charging policy should have regard to and reflect national guidance;
- d) Charging policy should have regard to the PCC's overall policing objectives;
- e) Charging policy should reflect proper accountability and ensure that costs are met by the body responsible for the purpose for which the service is being delivered;
- f) Private persons/bodies should not be able to profit at the expense of the police service;
- g) The policy should be clear and transparent to both providers and receivers of the service, and all decision-making within the policy should be transparent;
- h) The charging policy should be consistent in its application including where discretion is allowed;
- i) Charges should be based on a robust and sound costing methodology;
- j) The basis of cost calculations should be consistent, so that significant variations in charges are explained by local circumstances rather than methodology differences;
- k) There should be a clear understanding of how the charging policy and costing methodology are to be applied by practitioners.

3.1 The document uses these principles to establish guidance for charging for services for:

- The policing of events;
- The provision of goods and services to third parties;
- Charging for services to Government Agencies;
- The provision of mutual aid to other police forces.

### 4.0 Definition of Cost

4.1 The cost of a service and the charging for the service are clearly linked. But, the cost of a particular service can relate to the purpose of the usage. For the purposes of this approach, the following basic costing approaches are defined:-

- **Employable Cost.**

This represents the basic actual cost of the service providers, including on-costs but with no allowance for the recovery of overheads;

- **Direct Cost**

This is the cost of an officer including a standard overtime recovery element;

- **Operational Resource Cost.**

This represents the cost of the resource employed in the provision of the service. Here, the direct costs and the direct overheads are included;

- **Full Economic Cost.**

This calculation includes all properly attributable costs, including contributions to administrative and general overheads. However, this indirect overhead recovery must relate to the relevant overhead base.

- 4.2 Clearly, these cost bases are used for different purposes and will achieve different results. There must therefore be clarity in how they are used and how they are applied.
- 4.3 The normal application of costing policing for charging purposes should reflect full economic cost recovery. This is particularly true for commercial purposes, where a special police service is being provided using police resource. There are potentially some circumstances where the other cost bases will lead to alternative cost recovery charging.
- 4.4 The model for charging for services should reflect the cost structure involved in service delivery. Individual components of the model reflect this. There is a consistent construction of direct costs i.e. those costs required to deliver a given police service at a particular location. The costing methodology then provides a basis for the recovery of general overheads for an organisation.
- 4.5 A key principle is that whilst charges should reflect local characteristics of cost e.g. London weighting, the methodology seeks to minimise undue variations. A number of variables in the calculation of costs have that potential and, by using force averages or in some cases, national averages, these undue distortions can be minimised.
- 4.6 The costing model set out in section 2 therefore forms the basis of calculating a productive hourly rate for police officers (and police staff) providing the service.

## **5.0 Charging for the Policing of Events**

- 5.1 Section 25 of the 1996 Police Act applies to the policing of events. The Chief Constable is responsible for agreeing the special services to be provided and the PCC for determining the charges to be made.
- 5.2 The Chief Constable will determine the policing need in discussion with the event organiser and in accordance with the circumstances of each event or request. Within the agreed scope of delegation, this will usually lead to agreeing the basis of the associated charges although significant or exceptional events will be subject to consultation with the PCC in accordance with its policy.
- 5.3 The PCC will also agree annually the charges that will be set for goods and services provided under both Section 25 of the Police Act 1996 and Section 15 of the Police Reform and Social Responsibility Act 2011. (See Section 7)
- 5.4 A Police force has a responsibility to assess the safety requirements in liaison with all partner agencies of an event. It often works with a local Safety Advisory Group but, in some circumstances, this may not be available. The force will review the nature of the event with the organiser in order to minimise the risk to the assessed safety requirements. The safety of the event is primarily that of the event organiser.

- 5.5 However, safety is only part of the role. There is normally an important secondary element of assessing the direct community effect of the potential impact on crime and disorder and in some cases traffic management, occurring within the community, as a result of the event. Based on that overall assessment, it may be agreed that special police services are needed to support either a safety certificate or licence. There must be an agreement between the event organiser and the police of the need for special police services, which must be requested by the event organiser and accepted by the police. Police services would then be supplied to:-
- **Increase aspects of core policing over that which would normally be required in the locality to address crime and disorder issues arising from the staging of the event;**
  - **Provide additional policing services to increase the overall level of safety to an adequate level relative to the risk assessment and, therefore, the safety requirement.**
- 5.6 Based on an adequate risk assessment, the level of police resource can be determined for each event. This will normally be achieved by direct communication with the event organiser, but may also be undertaken through a Safety Advisory Group, if required.
- 5.7 There are a limited number of events for which, although a formal safety certificate licence is not required, the event includes a range of characteristics that would imply that policing services should be supplied and charged for. The criteria for this are set out later.
- 5.8 Policing an event involves providing special policing services to an event organiser. Although, predominantly, this involves police officer time, it can also require other elements of a specialist nature, including vehicles, consumables, specialist equipment and support functions as part of the service provision.
- 5.9 It should first be recognised that core service provides a level of policing within, and for, communities. It is, therefore, important to acknowledge that many small scale local events can be policed with a relatively low input that may represent a public reassurance role within the overall framework of risk assessment. The methodology needs to allow for this and provide some discretion on who should be charged, and under what circumstances.
- 5.10 A principle has been established within mutual aid arrangements, that a de-minimis level should be agreed so that a small police input below the threshold is not chargeable. This principle can be extended into policing events.
- 5.11 A second general principle can also be established. Charges for policing services should be made to the event organiser. He/she should then be able to take these into account when planning an event. Event organisers should consult with their local force early in the planning process. Forces should then assess the policing needs of the event so the level of resources and the likely charges that will apply can be identified well in advance of the event.
- 5.12 Cases heard in 2006 in the Court of Appeal (Reading Festival Limited v West Yorkshire Police Authority) and 2007/08 (GMP vs. Wigan AFC) have impacted on the approach to be taken in providing Special Police Services. The legal case is discussed in greater detail at Appendix 5.
- 5.13 The judgements clarified that a PCC cannot charge for Special Police Services in the absence of an agreement between the event organiser and the police of the need for such services. Special Police Services need to be specifically requested by an event organiser, promoter or individual. This may be a clear explicit request (or in some limited cases an implied request). Both cases severely limited the circumstances in which such a request would be implied. For instance, a condition on a premises licence relating to the need for Special Police Services will not necessarily be sufficient to constitute a request for Special Police Services since there may not have been an agreement between the organiser and the police of the need for such services. Police forces are therefore advised to secure a clear basis of understanding as to the services that are to be provided for any event.

- 5.14 The cases also identified a clear issue in agreeing the size and scale of the services to be provided. The tactics in respect of police deployments in support of an event are a matter for Chief Officers. There is however a requirement for a meaningful discussion on the availability of valid alternative provision that may influence the scale of Special Police Services that will then be provided.
- 5.15 Some of the alternatives to provision of police services are relatively clear in the context of the above. The provision of stewarding or traffic management consultancy can mitigate the requirement of police involvement in the safety element of the policing role, thus reducing the consequent requirement for Special Police Services. This may also be the case in considering the management of the Crime and Disorder elements of policing. The overall necessity for policing deployment in managing crime and disorder, and in consultation with the organiser the overall safety of the public is a matter for Chief Officers to consider. Policing comprises a wide range of relevant activity, from visible patrol to other deployable and specialist support roles. The key issue is to ensure that an organiser or promoter is made properly aware of the nature and options that might exist in the circumstances of an event so that a transparent and mutually understood request for special police services can be made.
- 5.16 It is strongly suggested that police resource managers draw up a written agreement and statement of intent when planning policing of events with event organisers. This in turn will form the basis of subsequent charges, subject to the possibility that deployment requirements might be changed by mutual agreement.
- 5.17 Such an agreement should resolve to respective parties understanding of the relevant Special Police Services and charges involved. In some circumstances there may be a failure of the parties to agree. This would in turn lead to a circumstance where the organiser would not make a request for Special Police Services. Chief Officers must then review the event in the light of a clear community based risk assessment together with other statutory partners.
- 5.18 The Chief Officer's judgement must review the ability of the force to provide a suitable police response in line with their duty to the general public and contingency arrangements, including their ongoing ability to provide appropriate policing to the remainder of the police force area. This will determine whether a Chief Officer, (and for significant events the PCC), can support the event taking place.
- 5.19 There are a range of measures that can be introduced to ensure that events are conducted in a responsible manner. It should be noted that there are significant variations in the approach of organisers to promoting an event in a responsible manner and accordingly, the level of intervention that is necessary. A Safety Advisory Group has influence over the planning of an event although the structure and role of the Safety Advisory Group varies with each Local Authority Area. There is no legal requirement for an event organiser to refer an event to the Safety Advisory Group but local impetus should be generated to develop such referrals as best practice amongst organisers. Assessment of the need for police attendance and action at public events will be principally based on the need to discharge their core responsibilities which legal advice indicates are as follows:
- Prevention and detection of crime;
  - Preventing or stopping breaches of the peace;
  - Activation of a contingency plan where there is an immediate threat to life and co-ordination of resultant emergency service activities;
  - Traffic regulation within the legal powers provided by statute, a Road Closure Order (TPCA 1847) or a Traffic Regulation Order (RTRA 1984).
- Traffic regulation is not to be confused with the management of the road closure.
- Responsibility for applications for Traffic Regulation Orders and Road Closure Orders and the management of the same are the responsibility of the Local Authority. Where police resources are requested to assist the Local Authority to police such road closures, they will be considered to be Special Police Services.
- 5.20 The Licensing Act 2003 gives a range of powers to the relevant licensing authority to allow an event to proceed. The use of the term 'Licensing' suggests that the powers are related only to the supply of alcohol. This is far from the case and there are in fact a wide range of activities that require a

Premises Licence to be granted under Section 12 of the Licensing Act 2003. Regulated Entertainment includes:

- Exhibition of plays;
- Exhibition of Films;
- Indoor Sporting Events;
- Boxing or Wrestling entertainment;
- Exhibition of live music;
- Exhibition of recorded music;
- Performance of dance.

5.21 Given the range of activities that fall within Regulated Entertainment, the Licensing Act 2003 is a powerful tool in ensuring the responsible conduct of an event. It is the responsibility of an event organiser to prepare an Operating Schedule when applying for the grant of a relevant Licence. The schedule must include details of how the manner of the event will promote the four licensing objectives of:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

An objection to the Operating Schedule can be made by a police force and it is strongly suggested that where necessary the grounds for such an objection be supported by a Senior Police Officer in consultation with Force Legal Advisors. Police forces (and authorities) should ensure that strong and effective relations are established and maintained with licensing authorities and safety bodies so that the service's views are fully taken into account in licensing decisions.

## Charging for Events

5.22 Where the event is at a single location e.g. concert, festival etc, the service should be based on the concept of servicing the additional policing required - over and above that which would have normally been used to police the location. For a truly "Greenfield" site this is nominal, but in other circumstances the service provided is potentially added to a base level of existing policing. All direct policing costs, but also all specialist support, consumables and support costs involved in providing the service should be recovered.

5.23 In a number of cases, the location is less easily determined and the concept of locality needs to be considered. There are occasions where the character of the immediate locality is substantially or significantly altered by the event itself and agreement is needed on the basis of the definition of locality to be used for Special Police Services. Locality in this context can include private land and also, where relevant, public land that is controlled for the purposes of the event and for the benefit of the event organiser. This is an important issue in relation to understanding the organisation of an event and needs to be clearly identified and agreed by both the organiser and force as part of the agreement.

5.24 The locality should be defined to encompass the need to properly protect or benefit the persons organising the event or their attendees. It should not be determined on the basis of a need to protect the general public at large as a consequence of the event. Where a commercial event attracts protestors who protest outside the locality of the event, event organisers would not be expected to pay for the policing of those who attend to protest. However, organisers would still be liable to pay for the deployment of officers for other duties associated with the event.

5.25 It should also apply to established sites where a series of events will take place – e.g. sporting events such as football, cricket, rugby etc. This is subject to the current application of Section 25 of The Police Act 1996. (See Appendix 1).

5.26 The policing of all events should be costed on a full economic cost basis in accordance with the methodology set out in Section 2. This will form the basis of the charge in some cases (see below),



and, where the charge is to be abated or there is a nil charge, it will demonstrate the impact of that decision in terms of potential income foregone.

- 5.27 In determining a charging policy it is helpful to distinguish a number of categories of events, as follows:

### **i) Commercial Events**

Events where there is a financial gain or profit to the organiser/company/ organisation without specific community benefit – usually but not exclusively through members of the public having to pay an entrance fee to gain access to the event.

### **ii) Non Commercial Events**

#### **a) Charitable Events**

Events where, although there is a financial gain, the surplus is for charitable distribution. These may be local charities but in some circumstances reflect a wider charitable status.

#### **b) Community Events**

Those events not for personal or corporate gain but are for community or local interest purposes or to raise funds for local community institutions.

#### **c) Not for Profit Community Events**

Events where, although a minimal fee for participation is charged, it is generated only to cover organisational costs and not to raise a profit. Those organising events do so on a voluntary basis for the benefit of participants and spectators.

### **iii) Statutory Events**

Events where there is no financial gain to the organiser and which reflect constitutional rights, or a cause of royal, national or defined public interest.

The chart in Appendix 2 gives some examples that could apply in each category. It is not exhaustive. The level of charge does not simply depend on the category but, clearly, should depend on individual circumstances – including the ability to charge in law.

- 5.28 The principal characteristic of a commercial event is that it is intended to secure private financial gain or profit. The other categories may be described as non-commercial, but some specific events may exhibit many of the features of a commercial event, e.g. a large charitable event.
- 5.29 The policing of statutory events is generally regarded as part of core policing which is not chargeable. In certain circumstances authorities may receive specific funding from the Government but statutory events should be excluded from authorities' charging policies.

### **Commercial events**

- 5.30 The concept of a commercial activity is no longer straightforward. There are many models or structures used in the organisation of events. As guidance, commercial activity will be characterised by the securing of a site(s) and, usually, requiring payment for entry to the event. This can be private land, or land that becomes controlled for the purposes of and benefit to the event. It is normally further identified by the existence of a promoter or equivalent. Clear examples of this are pop festivals and sporting matches. (For the sports matches the "promoter" can generally be seen to be the professional club involved).
- 5.31 The term 'Agricultural Show' is broad in nature and would capture low level community based events such as village fairs, but would equally describe an event that is of a significant size and/or substantially commercial nature. Similarly, charitable events vary from locally based, small scale fundraising events to large set piece events that charge, have significant concessions trading on the site and attract significant numbers of visitors.

- 5.32 The police service should consider the characteristics of each event in deciding if an event should be regarded as commercial. An example might be a county showground hosting an event that attracts fee paying visitors generating a significant income, coupled with exhibitors paying for the opportunity to promote their products. This would be operated by either a company or the “trading arm” of the relevant charity operating the showground. A further example would be a large-scale, commercial funfair where the fair operators charge people for using their rides and attractions, with no charitable proceeds or benefit to the community. The fact that such fairs often operate on ‘public land’ is no bar to recovering costs, because for the duration of the fair that public land is being controlled for the purposes of the event and for the benefit of the event organiser. Where an event is considered to be substantially commercial, it should meet the cost of additional policing required. Previous instances of non-recovery of charges should not prevent charges from being levied in future.
- 5.33 The principle which should be applied in the charging policy is that, where an event is categorised as commercial, the organiser should be charged the full economic cost of the special police services provided. This approach is based on the premise that private persons or organisations should not be able to enhance their profits at the expense of the public funds supporting the police service. It is also essential that this principle is applied consistently across the country. Commercial event organisers will often be involved with events in different parts of the country and they will inevitably compare the practices of different forces. Any significant variation between authorities’ policies could undermine the capacity of the service as a whole to make legitimate recovery of its costs.
- 5.34 Nevertheless it has to be recognised that there will be circumstances when questions are raised as to whether full cost recovery should be pursued. Any decision to depart from the general principle of charging full economic cost to a commercial event should only be made on exceptional grounds and with the specific approval of the PCC on the basis of a full report of all the relevant issues. Charging issues around small-scale events are discussed further in paragraph 5.43 below.

### **Non commercial events**

- 5.35 Community events need to be considered in the context of community policing in the broadest sense. In particular the need for fostering and maintaining good relations between the police and local communities is increasingly recognised as important for achieving policing objectives. The policing of community events, and any charges levied, may help or hinder the achievement of these broader policing objectives and it is appropriate to take this into account, together with other relevant considerations, when determining a charging policy for special police services provided to community events. However it is essential to adopt a transparent and consistent approach to determining the levels of abatement of possible charges in that context.
- 5.36 Some charitable events may have a particular local dimension which makes them akin to community events. Tests to determine this should include a clear “registered charity” status and that the event is meeting the aims of its charitable mission as set out in its registration requirement. These characteristics, linked with the potential benefits for the local community, can provide a basis for abating policing charges. Others may be large scale events very similar, except for their purpose, to commercial events. In any case, not recovering the full cost of associated policing represents a subsidy to the charity concerned. Police forces and PCCs should therefore satisfy themselves that particular charitable purposes are ones that they can support by way of reduced charges.
- 5.37 Some non-commercial events do not fit into the community or charitable definitions outlined above, but are organised on a voluntary basis and generate revenue only to cover organisational costs, such as amateur cycling or running events. It is appropriate to recognise that these events are substantially different in nature to commercial, profit-making events when determining levels of abatement.
- 5.38 In order to assist PCCs and forces in determining their charging policy in relation to events, an approach has been developed that involves assessing events against a range of criteria. These criteria are shown in the table below. A score is applied to each criterion on a sliding scale and then totalled. Depending on the overall score, a full charge, an abated charge or no charge should be made.

This should create a transparent approach with clear decisions on charge levels taken on a consistent basis. It should be noted that the scoring process to determine whether a full, partial or no charge



should be made for an event is separate to the process for determining the number of police resources subsequently required.

Criteria	Assessment	Range of Scores
Identified promoter	The existence of a promoter clearly identifies a commercial event. This can also be an organiser of a significant non commercial event and can also be implied – e.g. for sports matches.	0 to 5
Premises Licence / Safety Certificate required	Most large defined events require a Premises Licence or a Safety Certificate to operate. Detail of the event capacity and the licensable activities are strong indicators of a significant event.	0 to 5
Stewards used	This also characterises a major event – but can also be the basis of a reduction in police input leading to reduced charges.	-5 to 0
Payment at event	A key determinant of a commercial event. It can also be a factor of a major non commercial event.	0 to 10
Performers paid	Can also underline a commercial event or a major charitable/ non commercial event.	0 to 10
Trader concessions	A secondary indicator of the size of an event – one anticipating a large number of attendees.	0 to 10
Nature of the event	Commercial for profit, not commercial or a private event / function.	0 to 10
Proceeds to charity	This is an indicator of possible abatement, depending on other safety issues and the size of the event.	-5 to 0
Detrimental Community Impact	This is how a community will be affected by the holding of the event such as increased traffic flow, disruption and disorder.	0 to 10
Community Value	This covers the reasons that an event should go ahead. An event that has strong traditions or promotes the values of community cohesion will have added community value.	-10 to 0
Additional policing	This can give an indication that significantly more policing than the norm is required.	0 to 10
Normal deployment	This would, in conjunction with the above, give an indication of the level of additional chargeable policing resources provided.	-5 to 0

### Total Score

Less than 6	No charge
6-30	Part or abated charge
31+	Full cost recovery

5.39 Examples of different types of events and how the scores may be applied are summarised in the table below and worked through in more detail on pages 23 to 31. These examples are illustrative and not

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a definitive interpretation of how the characteristics of any event should be assessed. Rather they show the framework of issues to consider and a range of values that could be applied to each. PCCs in consultation with Chief Constables need to determine how the criteria are weighted and valued, and the level of abatement which should be applied where appropriate. It is therefore presented as a model which can be used to suit local circumstances.

5.40 Once it has been established that an event needs policing, the deployment required will normally be the result of a risk based assessment of the event in question. For professional football matches a structured approach has evolved over a period of time. The principles contained within this approach can be applied to other events. Such an approach may include:

- a) The nature of the location or locality for the event;
- b) The nature of the boundary to the location, together with access and egress for the anticipated attendees;
- c) The size and nature of the event – performers, time including time of day;
- d) The nature of the trading activity including alcohol sales etc;
- e) An assessment of the number / nature of the attendees;
- f) The history of the event in question and recent events of a similar nature;
- g) Updated intelligence regarding risk and threat to the performers, venue or attendees;
- h) Mitigating factors such as bought in security, physical controls, CCTV etc.

Criteria	Range of Scores	Music Festival	Cycle Race	Local Authority Event	Community Festival	Lord Mayor's Parade	Major Charity Event	Major Private Event	Football Match	Commercial Funfair
Promoter	0 to 5	5	1	5	0	0	5	0	5	5
Premises License /SC required	0 to 5	5	0	5	0	0	0	0	5	0
Stewards	-5 to 0	-5	-3	-2	0	-2	-3	-1	-5	-3
Payment at event	0 to 10	10	2	3	0	0	10	0	10	0
Paid performers	0 to 10	7	0	7	0	0	7	8	10	0
Trader concessions	0 to 10	5	2	6	5	4	8	2	8	10
Nature of the event	0 to 10	8	2	0	0	0	0	10	10	10
Proceeds to charity	-5 to 0	0	0	0	0	0	-5	0	0	0
Detrimental Community Impact	0 to 10	5	4	4	2	6	8	4	7	7
Community Value	-10 to 0	-5	-3	-5	-9	-7	-7	0	-5	-2
Additional policing	0 to 10	5	6	6	5	9	9	8	10	7
Normal Deployment	-5 to 0	0	0	-2	-2	-2	-1	0	-5	-2
Total score		<b>40</b>	<b>11</b>	<b>27</b>	<b>1</b>	<b>8</b>	<b>31</b>	<b>31</b>	<b>50</b>	<b>32</b>
Full Cost Recovery		✓					✓	✓	✓	✓
Abated / Part Cost Recovery			✓	✓		✓				
No Cost Recovery					✓					

**Scores**

Less than 6	No charge
6-30	Part or abated charge
31+	Full cost recovery

- 5.41 The range of abatement should be 25 - 75% in normal circumstances, but this may be extended in exceptional circumstances. Any abatement will be a PCC decision, normally taken in consultation with the Chief Constable. Small scale events, identified below, are an example of where the local confidence and reassurance can be provided within core services and therefore at no additional cost to the organisers. Generally, the levels of abatement of charge and methodology should be followed to provide a consistent service wide approach.
- 5.42 The associated assessment criteria are included to help structured decision making with regard to the deployment of officers. All events need to recognise the factors within the assessment criteria. However, in a number of cases local Commanders may expect to police to a level as part of normal policing requirements. The chargeable element would then depend upon the number of **additional** officers / support needed to provide the policing roles described above. In this case, the de-minimis level (see below) is exceeded due to overall policing requirements and the total policing cost may then be abated in line with the model.
- 5.43 Charging for large-scale, commercial funfairs have been discussed in paragraph 5.32. Where a small funfair is operated as part of a community event, then the event as a whole needs to be considered in the context of community policing in the broadest sense. Whether charges should be made for such events should be assessed on an individual basis using the criteria described in paragraph 5.38.

#### **Small scale events**

- 5.44 Police forces remain with a duty to police local communities. Where an event is assessed as requiring the equivalent of 48 police hours (however deployed) or lower, Chief Constables should treat such deployments as part of the visibility and local re-assurance components of local policing. For small scale events, these decisions can be taken at BCU level. **As such, policing of small scale events under these conditions should then attract no charge.** Where the event is commercial in nature or the force is supplying services under commercial (SPS) or market conditions, then even small deployments can, however, be charged at the discretion of the Chief Officer.
- 5.45 The examples shown seek to provide guidance about the use of abatement as a concept. While these cannot be exhaustive, it is intended to provide a framework for decision making. One of the important elements is a need to present a clear, consistent and transparent approach to the charging for services. Wide variations in practice will undermine this requirement.
- 5.46 It is good practice to keep a register of the events policed and a record of the decisions on policing levels and any abatement decisions taken. This will provide a validated and transparent trail to cross reference future decisions and provide public accountability. It is wholly appropriate that professional bodies will compare operating costs of their businesses. Variations in costs relating to policing need to stand scrutiny.

**Examples of using Decision matrix:**

<b>1</b>	<b>Music Festival</b>	<b>Promoter</b>	<b>Licence / SC required</b>	<b>Stewards Used</b>	<b>Payment at Event</b>	<b>Performers Paid</b>	<b>Traders Concessions</b>
	Police an event on a Greenfield site	Yes	Yes Premises Licence	Yes	Yes	Yes	Yes
	<b>Nature of Event</b>	<b>Proceeds to Charity</b>	<b>Detrimental Community Impact</b>	<b>Community Value</b>	<b>Additional Policing</b>	<b>Normal Deployment</b>	<b>Charging Policy</b>
	Commercial for Profit	No	Moderate	Moderate	Yes	No	Full Cost Recovery

The above example relates to the policing of a music festival on an open-air Greenfield site. This event has a promoter in place and requires a premises licence due to the exhibition of live music. Stewarding is provided which mitigates some of the need for additional police resources. Payment is required for entry to the event, in which most of the performers are paid, giving a clear indication of the event's commercial status. A number of trader concessions are on the site. None of the proceeds are given to charity. The adverse impact on the local community is moderate, with some increase in traffic congestion, and a moderate increased risk of disorder in the vicinity of the event. There is some moderate community value associated with the event due to increased benefits to the local economy. Some additional policing is required at the event, which would not otherwise have a police deployment.

<b>2</b>	<b>Cycle Race *</b>	<b>Promoter</b>	<b>Licence / SC Required</b>	<b>Stewards Used</b>	<b>Payment at Event</b>	<b>Performers Paid</b>	<b>Traders Concessions</b>
	Provide policing to the event	No – but a voluntary organiser	No	Yes	Nominal by participants only	No	Yes
	<b>Nature of Event</b>	<b>Proceeds to Charity</b>	<b>Detrimental Community Impact</b>	<b>Community Value</b>	<b>Additional Policing</b>	<b>Normal Deployment</b>	<b>Charging Policy</b>
	Not for Profit	No	Local	Moderate	Yes	No	Abated charge

The above example relates to an event such as a British Cycling Premier Calendar event. The event has no promoter, rather a voluntary organiser and it does not need a licence or Safety Certificate. Some stewards are provided by the event organiser, which reduces the amount of the police resources that are required. Payment is not required to spectate at the event, rather the competitors will pay a small entry fee. There are a number of traders concessions selling merchandise connected to the event for their own financial gain, not that of the event organiser. The event is not for profit and non-charitable, with entry fees being used to cover the costs of staging the event. There will be some local detrimental community impact due to traffic diversions, and a moderate amount of community value associated with the event. Additional policing is required to ensure the event is able to proceed safely.

\* Many small-scale club organised cycling events take place which require no policing or a level of policing below the minimum threshold and therefore will attract no charge. Some high-profile, large scale events, such as the Tour of Britain, are run by commercial companies and therefore would attract full cost recovery.

3	LA 'Event in the Park'	Promoter	Licence / SC Required	Stewards Used	Payment at Event	Performers Paid	Traders Concessions
	Provide policing to the event. Commander decides extra policing is required.	Yes Local Authority	Yes Premises Licence	Yes	Yes	Yes	Yes
	Nature of Event	Proceeds to Charity	Detrimental Community Impact	Community Value	Additional Policing	Normal Deployment	Charging Policy
	Not for Profit	No	Local	Medium	Yes	Nominal – say 4	Abated charge

The above example relates to the provision of additional policing at an event organised by the local council such as a 'Party in the Park.' The Local Authority is the promoter and a premises licence is required due to the exhibition of live music. Some stewards are used which mitigates some of the need for additional police resources. A small payment is required to attend, the performers are paid and there are a significant amount of trader concessions. However, the event is not for profit, and none of the proceeds go to charity. There is some local detrimental community impact due to traffic congestion and increased risk of disorder. This is offset by the event having considerable community benefit. A moderate amount of additional policing is required in addition to the low level of policing that is provided as part of normal community policing of the area where the event is being held.

4	Community Festival	Promoter	Licence / SC required	Stewards Used	Payment at Event	Performers Paid	Traders Concessions
	Police a local festival on highway and local park	No	No	No	No	No	Yes
	Nature of Event	Proceeds to Charity	Detrimental Community Impact	Community Value	Additional Policing	Normal Deployment	Charging Policy
	Not Commercial	No	Minimal	High	Yes	Minimal	No charge

The above example relates to the provision of policing to a local community-type festival on a highway and in a park which attracts several hundred visitors. There is no promoter and no licence or safety certificate is required. No stewards are employed, payment is not required to attend and there are no paid performers. A moderate number of small-scale traders attend, but the event itself is not for profit. No proceeds are given to charity. There is very low detrimental community impact as a result of slightly increased traffic congestion. This is more than offset by the event having considerable benefit in terms of community cohesion. A moderate amount of additional policing is required in addition to the low level of policing that is provided as part of normal community policing of the area where the event is being held.

5	Lord Mayor's	Promoter	Licence / SC	Stewards Used	Payment at Event	Performers Paid	Traders Concessions
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Parade		Required				
Policing the event through streets	No	No	Some	No	No	Yes
Nature of Event	Proceeds to Charity	Detrimental Community Impact	Community Value	Additional Policing	Normal Deployment	Charging Policy
Not Commercial	No	Moderate	High	Yes	Minimal	Abated charge

The above example relates to the provision of policing to a Lord Mayor's Parade through a town centre. There is no promoter and no licence or safety certificate is required. Some stewards are employed, which reduces the number of police resources that are required. Payment is not required to attend and there are no paid performers. A moderate number of small-scale traders attend, but the event itself is not for profit. No proceeds are given to charity. There is moderate detrimental community impact as a result of increased traffic congestion and increased risk of disorder. This is offset by the event having strong traditions within the community. A high level of additional policing is required due to the size of the area that requires policing, in addition to the low level of policing that is provided as part of normal community policing.

6	Major Charity Event	Promoter	Licence / SC Required	Stewards Used	Payment at Event	Performers Paid	Traders Concessions
	Provide policing to a major event or tattoo promoted for charitable purposes	Yes	No	Yes	Yes	Yes	Yes
	Nature of Event	Proceeds to Charity	Detrimental Community Impact	Community Value	Additional Policing	Normal Deployment	Charging Policy
	Not Commercial	Yes	Major	High	Yes	Minimal	Full Cost Recovery

The above example relates to the provision of policing at a major event promoted for charitable purposes. There is a promoter but no premises licence or safety certificate is required. Some stewards are employed, which reduces the number of police resources that are required. Significant payment is required to attend and there are a large number of paid performers. There are a significant number of traders concessions selling merchandise connected to the performers. The event itself is not for profit, with all proceeds after the payment of costs are given to charity. The detrimental impact on the local community is high due to high levels of traffic congestion, some noise pollution and increased risk of disorder in the vicinity of the event. There is a large amount of community value associated with the event due to its charitable nature. Significant additional policing is required at the event, due to the large number of people attending, in addition to the low level of policing that is provided as part of normal community policing.

7	Major	Promoter	Licence /	Stewards	Payment	Performers	Traders
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<b>Private Event</b>		<b>SC Required</b>	<b>Used</b>	<b>at Event</b>	<b>Paid</b>	<b>Concessions</b>
Provide policing to a major party or private entertainment function	No	No	Some	No	Yes	Some
<b>Nature of Event</b>	<b>Proceeds to Charity</b>	<b>Detrimental Community Impact</b>	<b>Community Value</b>	<b>Additional Policing</b>	<b>Normal Deployment</b>	<b>Charging Policy</b>
Private event	No	Local	No	Yes	No	Full Cost Recovery

The above example relates to the provision of policing to a major private party that is not open to members of the public. There is no promoter and no premises licence or safety certificate is required. A small number of stewards are employed, which partially reduces the number of police resources that are required. No payment is required to attend. There are a large number of paid performers and a small number of trader concessions. The event itself is privately financed and not for profit. There is no charitable element involved. There is a local detrimental impact on the community due to a moderate amount of traffic congestion. There is no community value associated with the event. Significant additional policing is required at the event, due to the large number of people attending, which would not otherwise have a police deployment.

<b>8 Football Match</b>	<b>Promoter</b>	<b>Licence / SC Required</b>	<b>Stewards Used</b>	<b>Payment at Event</b>	<b>Performers Paid</b>	<b>Traders Concessions</b>
Provide policing to a professional football match	Yes	Yes Safety Certificate	Yes	Yes	Yes	Yes
<b>Nature of Event</b>	<b>Proceeds to Charity</b>	<b>Detrimental Community Impact</b>	<b>Community Value</b>	<b>Additional Policing</b>	<b>Normal Deployment</b>	<b>Charging Policy</b>
Commercial for Profit	No	Moderate	Moderate	Yes	Yes	Full Cost Recovery

The above example relates to the provision of policing at a professional football match. The club is the promoter and a safety certificate is required for the stadium. A large number of stewards are employed which reduces the number of police officers that are required. Significant payment is required to attend the event, where the performers are paid. There are a large number of trader concessions at the ground. The event is for the profit of the club itself, and none of the proceeds go to charity. There is a moderate detrimental community impact caused by traffic congestion and an increased risk of disorder, but also moderate community value as a result of the positive impact on the local area from the club's activities as a whole. Large numbers of additional resources are required in addition to those that are provided as part of normal community policing.

<b>9 Commercial Funfair</b>	<b>Promoter</b>	<b>Licence / SC Required</b>	<b>Stewards Used</b>	<b>Payment at Event</b>	<b>Performers Paid</b>	<b>Traders Concessions</b>
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To provide policing at a large commercial funfair	Yes	No	Yes	No	No	Yes
<b>Nature of Event</b>	<b>Proceeds to Charity</b>	<b>Detrimental Community Impact</b>	<b>Community Value</b>	<b>Additional Policing</b>	<b>Normal Deployment</b>	<b>Charging Policy</b>
Commercial for Profit	No	Moderate	Minor	Yes	Minimal	Full Cost Recovery

The above example relates to the provision of policing at a large commercial funfair. There is a promoter but no licence or safety certificate is required. Some stewards are employed which reduces the number of police officers that are required. No payment is required to attend the event, and there are no paid performers. There are a large number of trader concessions, and the event is for the profit of the traders that make up the fair, with none of the proceeds going to charity. There is moderate detrimental community impact caused by traffic congestion and an increased risk of disorder. There is also some minor community value as a result of increased community cohesion and tradition associated with the event. Significant additional policing is required at the event, due to the large number of people attending and the increased risk of disorder, in addition to the low level of policing that is provided as part of normal community policing.

## 6.0 Charging for Football

6.1 Football matches can be seen as a series of planned events occurring in a Force area. In this circumstance the promoter is the Chief Executive of the football club. The general principles for the basis of providing the special police services are the same as those for commercial events, but have been sharpened by recent case law (GMP vs. Wigan AFC 2007 and 2008).

6.2 The provision of policing for football matches reflects both operational policing requirements and special police services (SPS) provided at the request of the club.

The key criteria for the provision of SPS to clubs include:

- a) A formal agreement between the club and the force which includes a request for service;
- b) A common clear understanding of the chargeable amount that relates to the immediate locality i.e. "the footprint";
- c) Clear and transparent policing deployment both at the 'footprint' and away from that locality;
- d) Agreed rates for police charges for different categories of matches.

6.3 A charging agreement represents the codification of the overall request for policing services across the football season. Within the agreement, provision should be made to vary the request for an individual match or to add an additional request e.g. a cup match. Such changes need to be identified to and agreed with the club prior to the provision of SPS.

6.4 The policing provision depends upon a number of roles, some of which are determined as core policing for the purposes of the match. These can be supplemented by further partial deployments and/or specialist roles.

6.5 The core policing component would cover all phases of the match which extends to a period before and after the match itself. The methodology in this instance sets a six hour chargeable period to reflect:

- a) Parading at a station;

- b) Briefing and equipment allocation;
- c) Transport to locality;
- d) Policing "Phases 1 to 3" – a period before, during and after the match;
- e) Debrief;
- f) Transport to home station.

- 6.6 Some of the operational policing resource will be deployed in the footprint for part of the overall period of the match. These deployments may vary in length between the phases of the match. In order to maintain consistency, partial deployments should be charged based on an average three hours deployment. Where deployment is wholly away from the footprint, e.g. wholly in the town centre, then this will not be chargeable.
- 6.7 Nationally the policing requirement for football matches is set by categories that reflect an assessment of the risk and threat relating to both crime and disorder and public safety. It is important that all local assessments are structured and objective to support the policing need. It is good practice to share such assessments with clubs as part of identifying the basis for any request for service.
- 6.8 In common with other commercial events, full economic cost recovery should be used to recover the costs of the officers and staff for the period of their service supplied.
- 6.9 Occasionally, mutual aid from other forces is requested to police certain matches, as allowed for under Section 24 Police Act 1996. In this context, the host force is, in effect, contracting additional officers under Section 25 Police Act 1996 to provide the service. Special duty rates should, therefore, apply and the providing force reimbursed for the service provided.
- 6.10 Further advice is given in more detail in a separate document, 'Guidance for Football Deployment and Cost Recovery.'

## **7.0 Provision of Goods and Services to 3rd Parties**

- 7.1 The provision of goods and services will cover services such as the provision of training in particular skills, the provision of information from police databases, etc. and goods which can range from memorabilia to old equipment, etc.
- 7.2 The situation here is conceptually different in that the goods and services are provided and sold in market competitive conditions. As such, pricing policy is largely discretionary to an individual Force/PCC. Forces can be in competition with all other suppliers, including companies, non-profit organisations and other Forces.
- 7.3 Some areas of service, such as the provision of certain information, can be, de facto, a national or local monopoly in that only the police service can provide the service. As a general principle, it can be difficult to justify in the service widely varying costs for say, the provision of Road Traffic Information. At the least, it creates an overall problem for the service, in terms of credibility to sections of the business or other communities.
- 7.4 It is, therefore, proposed that a set of common service wide goods and services be developed and standardised. These are shown in more detail in Appendix 3.
- 7.5 Under the Notifiable Occupation Scheme, forces have an obligation to disclose certain information. Initial disclosure is without charge and sufficient detail will be provided in the first instance to allow the regulatory or governing body concerned to conduct an adequate risk assessment in terms of the risk that may be posed to children, vulnerable adults, national security and probity and administration of justice. On occasions, the regulatory or governing body will request further supporting information to aid their own internal investigations as to whether the individual is still fit to practise in their profession. Dealing with such requests requires information to be retrieved and decisions made about what information should be disclosed. The majority of these requests will take no more than 2 hours to complete. Any requests that take longer than 2 hours will incur further costs at an hourly rate. **If an**

**emergency disclosure was required by a regulatory body/authority due to immediate risk to children or vulnerable adults, this would be performed urgently at no cost.**

- 7.6 Appendix 3 shows a range of items, both “goods” and services” that evidence has shown that the majority of forces supply, with an associated charge. A review of the charges has shown that some items have little variation across the country whilst for others charges can vary significantly. It is recommended that the charges shown at Appendix 3 should be updated each year. The nature and level of charge should then be re-assessed at 5 yearly intervals to review their continuing relevance and their link to the cost base. There have been some items updated as a result of such reviews in this revision. It is recognised that some forces will incur additional costs in retrieving documents that are held in off-site commercial archives. Also, from 1<sup>st</sup> April 2010 forces will be required to pay £100 for obtaining historical criminal records from the microfiche library. In these situations, it is acceptable for these costs to be passed on to the body requesting the information.
- 7.7 No charges should be made to the Motor Insurers Bureau for the statutory provision of collision reports (Previously referenced in HO Circular 163/1 1953).
- 7.8 No charges should be made to Responsible Authorities (such as Local Authorities, Health Authorities, Fire and Rescue Authorities, Primary Care Trusts, NHS Trusts, Probation Committees and Registered Social Landlords) due to the requirement within the Crime and Disorder Act 1998 for such partners to work together to combat anti-social behaviour.
- 7.9 **For those areas where the service is provided in open market conditions, then a general principle should apply that charges should, at least, recover the costs of supplying the service.** For this to be able to be achieved, Forces should be clearly able to identify the investment (start up) and running costs of the service and then set charges accordingly. This should be based on the model for calculating direct costs. But the charges made will clearly depend on the nature of the market and local pricing decisions.
- 7.10 On some occasions, pricing policy may dictate a marginal costing approach initially being taken. Here, the employable cost identified in the costing model should be the baseline for consideration. Beyond this, Forces should then have a clear understanding of the contribution requirements to direct overheads and set up or other investment costs, in order that they can demonstrate the adequate recovery of costs.
- 7.11 It is clear that pricing policy and market conditions can affect the level of charges. It is important that, in those conditions, all Forces should be able to validate charges set. The costing model can provide a basis for this to be undertaken. In certain conditions, Forces are taking advantage of their spare capacity. It is important in these circumstances that Forces can demonstrate a strong “value for money” rationale to the use of the resources applied.
- 7.12 In other circumstances, the ability to market and benefit from an area of expertise needs pump priming or investment - often in support activities. It is expected that charges should be set that will recover all the supporting costs, including the pump priming or set up costs within a reasonable investment time period. Charges can exceed the overall level of cost recovery and therefore provide a net income stream where market conditions allow. But forces should be prepared to identify and justify pricing policies if required.

## **8.0 Charging for Services to Government Agencies**

- 8.1 The police service increasingly provides a range of services for, and with, other Government Agencies. Many of these are elements of Central Government, such as the UK Border Agency. Some, however, are quasi commercial activities having Agency Status.
- 8.2 In the first category, Police Forces are providing often core policing service as a support to the wider public sector delivery of Government objectives - e.g. addressing potential illegal immigrants. Although

this can be seen to be akin to special policing services, there are other issues that need to be considered in these circumstances.

- 8.3 A guiding principle here is that in providing the service, a Force often gains an element of self help towards its overall strategic plan. The cost of the resource usage needs to be recovered in that light.
- 8.4 Where police or support staff resource is used in providing the service, then **the employable cost of the staff used** should be recovered. **To this should be added any overtime incurred and additional specific direct costs incurred e.g. consumables, travel and expenses, accommodation etc.** This can either be actual cost, if quantifiable, or can be an average cost calculation, where it is unlikely that differences will be material.
- 8.5 In a number of cases, the provision of the service includes the use of a police provided facility e.g. custody suite, interviewing facilities, etc. A contribution to these overheads can be added to the direct costs used. This can either be by means of a calculation of the direct costs incurred – rent, utility costs etc. or, where in practice this would be difficult or onerous to obtain, by the addition of a general overhead recovery element. In this circumstance, the recovery should be in the range 5% - 15% of the direct costs incurred. The range allows some discretion in the amount of administrative support incurred in providing the service. An example is provided in Appendix 4(4) showing the UK Border Agency charging formula.
- 8.6 In certain circumstances, police support to a Department or Agency may be more long term or require a number of instances of service provision. Here it may be more appropriate to either agree a specific rate based on projections of anticipated costs – based on the resource cost model or special policing rates as an alternative.
- 8.7 In the second category – the quasi commercial activity, the service provided is much more akin to operating in market conditions. Here the same principle should apply. **The charging methodology should use the calculation for resource costs as the starting point for identifying the costs of the service.** To this should be added all associated specific costs incurred in the provision of the service and a contribution towards overheads. Market conditions will either provide a practical constraint or allow full economic recovery to be utilised.
- 8.8 It is important to understand the police role in such activities. In most cases, the skills and experience of officers and staff are being used to enhance another Government based service. Where this is outside of the normal policing role, then there should be the aim of covering all recognised costs together with the appropriate contribution to overheads.
- 8.9 The VAT element of charging for Special Police Services is a complex matter and in all cases of doubt, advice should be sought from Force VAT experts or HMRC. Secondment of Police Officers does not normally attract VAT although this is not the case with Police Staff. There are various rules governing police services overseas. It is prudent to seek expert guidance in individual cases.

### **Cost recovery under grant funding regimes**

- 8.10 There is now a range of occasions where police officers (and some police staff) are supported by public grant funding or other external funding streams. The key principle in these cases is to properly identify and recover relevant costs. Where a police officer post being supported is delivering a direct policing service, then recovery should be based on Resource costs. Where, however, the role is utilising police experience or expertise, rather than providing direct policing, then the cost recovery should use total Direct Cost less the overtime premium – equating to employable cost plus the “employers pension contribution” for an officer.

## **9.0 Provision of mutual aid to other police forces**

- 9.1 Mutual aid is the provision of policing assistance to another police force. It is a formal arrangement and is similar to the provision of Special Police Services. As such aid is usually provided in response to or in anticipation of a major event.
- 9.2 Mutual aid activity ranges from small scale, inter-force support, through reacting to a significant or serious incident to, in some cases supporting a force or government department in a large pre-planned event.
- 9.3 By its very nature, mutual aid is incident based, and therefore likely to be extraordinary to the normal policing arrangements in the area.
- 9.4 The general principles of direct cost recovery should apply, but it is recognised that this is a complex area, particularly with regard to the framework of police regulations.
- 9.5 For detailed charging arrangements for mutual aid, a separate guidance document, 'Guidance on Charging for Police Services: Mutual Aid Cost Recovery' has been produced.

## **SECTION 2: COSTING METHODOLOGY**

### **1.0 Background**

- 1.1 The cost of a service and the charging for the service are linked. The cost recovery model seeks to provide a consistent basis for calculating recovery charges. But, the cost of a particular service can relate to the purpose of the usage. For the purposes of our approach, the following basic costing elements are defined:-
- **Employable Cost**  
This represents the basic actual cost of the service providers, with no allowance for an overtime premium or the recovery of overheads;
  - **Direct Cost**  
This is the cost of an officer including a standard overtime recovery element;
  - **Resource/ Operational Cost**  
This represents the cost of the resource employed in the provision of the service. Here, the direct costs and the direct overheads are included;
  - **Full Economic Cost**  
This calculation includes all properly attributable costs, including contributions to administrative and general overheads. However, this indirect overhead recovery must relate to relevant overheads.
- 1.2 The normal application of costing policing for charging purposes should reflect full economic cost recovery. This is particularly true for commercial purposes, where a special police service is being provided using police resource. There are potentially some circumstances where the other cost bases will lead to cost recovery charging.
- 1.3 The model, shown at Appendix 4, builds up to the full economic costs in logical stages. These are aimed to provide stability but at the same time recognise true differences in the cost base of forces. The basic mechanics are set out below:-
- 1) Define relevant Resource cost = Employable cost + direct overheads;
  - 2) Apply relevant contribution to administrative and general overheads;
  - 3) Derive standard or average productive hours;
  - 4) Calculate productive hourly rate (per rank);
  - 5) Apply deployment hours for "core" and "supplementary" policing / support;
  - 6) Identify and include all ancillary costs related to the provision of service e.g. consumables.

### **2.0 Application**

- 2.1 The calculation resulting in the hourly rate of employable resource costs has been revised and updated.
- 2.2 There are a number of factors that have to be addressed in determining elements of the overall calculation and approach. The major ones are set out below:-
- Average or actual cost for officers;

- Deriving the cost of allowances within police pay;
- Pensions cost;
- Accounting for overtime working;
- Identifying relevant ancillary costs;
- Calculating general overhead recovery.

2.3 Variations in the approach by a Force to these issues can and have led, in the past, to the relatively wide variation in charges. This had led, in turn, to queries being raised about the relative level of those charges. The aim of the model has been to reduce these variations where possible, without undermining the need to recover costs according to those borne locally.

### **Average versus Actual Cost**

- 2.4 There is a clear difference in deriving a cost and charging methodology. Actual costs should be charged where possible. However, there is confusion in what this means when applied to a costing regime. In practice, police officers are generally still costed as an average by rank. These are now normally also budgeted at cost centres but these vary between forces. There are also variations in the cost of individual officers, in the past from Rent / Housing Allowance and currently by the application of police pay reform elements (see below). It is, therefore, acceptable practice to identify an estimate of the average cost per rank, as the basis of both cost and charging. The model derives a force average to apply in all cases.
- 2.5 The cost of allowances has also been a significant cause of variation in police employable pay. If maximum allowances are included in the calculation as some forces have done, the resultant hourly rate is higher than other approaches.
- 2.6 The calculation for any allowances should reflect the average (budgeted) cost per rank, per Force. This will provide both a transparent and realistic view of the employable cost of an officer. It should be seen in the context that the cost recovery exercise addresses other overheads separately within the overall framework.

### **Pension Costs**

- 2.7 Police Pensions costs are now reflected by an annual force contribution to a separate pensions account. It represents an employable cost overhead for the purpose of charging out to third parties.
- 2.8 The pension overhead calculation is made at national level. In line with approaches elsewhere, our work was to identify a general percentage to be used. Work at GAD has shown that for a range of forces the current in year service cost of pensions is on average 36% of the police pay budget for members of the Police Pension Scheme (PPS) (for officers who joined before April 2006) and 28.5% for members of the New Police Pension Scheme (NPPS) (for officers who joined after April 2006). Allowing for 11% pay contributions from officers in the PPS and 9.5% for officers in the NPPS, the current recovery rate of 24.2% should be used calculated on police basic pay. This will be reviewed every three years (in line with the re-evaluation of pension contributions) within the overall cost model framework.

### **Accounting for Overtime**

- 2.9 This remains a difficult issue and there are options to be addressed. Forces have varying approaches between including in the base calculation an estimated element of overtime working within the "standard productive hours" or, calculating a base figure, excluding overtime, and then quoting a premium hourly rate for either extended, rest day or public holiday working.
- 2.10 In the cases where charging for police services is relevant, the policing resource should be considered to be in addition to the normal duty time resource, required to police the community. With cost recovery related to special police services, an element of overtime is included in the charge to the customer, presuming a notice period of greater than 15 days. If the notice period is 15 days or less, an enhanced level of overtime will need to be charged.



Any abstracted time from an officers' primary purpose, creates a 'vacuum' in their normal role which can only be back-filled by a suitably qualified officer on overtime. (It is important to remember that the 'back-filling' does not necessarily need to be undertaken at the same time as the abstraction, but could be at a completely unrelated time.)

- 2.11 Where short notice working becomes necessary, due to circumstances related to the event, then an additional premium is applicable - to reflect the additional direct cost involved. Similarly, policing on public holidays has an additional cost, to be recovered by the appropriate additional premium charge.

### **Relevant Direct Overheads**

- 2.12 The direct overheads are designed to reflect the other costs attributable directly to the cost of providing the service **at the point of service**. This can involve utility costs, premises and equipment hire and, of course, the provision of catering/subsistence. In most cases, this will be a directly measurable cost, but, in certain cases, involves the apportionment of a Force provided service e.g. communications centre for the period of the service delivery. For certain specialists e.g. dog handlers, an additional overhead calculation to include the average additional costs of the dog can be added. It is expected that only separate, truly measurable additional costs should be added to the modelled overhead recovery. This should, however, be considered separately from the recovery of administration or general overheads and is capable of justification as supporting the point of service delivery.

### **Recovery of Administrative General Overhead**

- 2.13 Full economic cost recovery includes a properly attributable element of contribution towards the general overheads of administration and infrastructure.
- 2.14 There has been a significant variation in the level of general overhead recovery rates currently used. A general methodology has been created but it, too, provides significant variations. In these circumstances, a view has been taken on the need, particularly in high profile charging arrangements like policing football, to maintain consistency.
- 2.15 The previous review of this Administrative General Overhead rate identified that 30% should be used as a national average. This rate will be periodically reviewed in support of the cost model.

### **Productive hours**

- 2.16 Research shows that there are at present various different models to determine the number of chargeable hours across the country. These depend on a local view taken of abstractions. It has been noted that a relatively small difference in this part of the calculation leads to a variation that then becomes problematic to explain in comparison with others. The methodology proposed is to use a standard determination of average abstraction, leading to a consistent number of chargeable days per rank. This is set out in Appendix 4(2). It is recognised that this reduces the determination and inclusion of local factors but the debate in this area has to date been unhelpful for the service. This will be reviewed as part of a future update of the methodology.

### **Deployable Time**

- 2.17 This has also been the cause of variations in application across Forces in the past. Generally, the police service provided to a third party is planned in advance. There is, therefore, a core service that is agreed to be provided. This core service can be measured in hours or productive "days", where a day is a defined number of hours. Clearly, the deployment time for the service must include all relevant components, from initial parading and briefing, travel time included to and from the service point, the actual policing service itself and de-brief.

## **3.0 Police Staff and Ancillary Costs**



- 3.1 Most events will have a period of core policing service and a transparent approach should be taken in identifying this with the promoter/organiser. This will also give clarity to the police managers at the point of delivery.
- 3.2 At some events or occasions, the core police service will be augmented by an additional resource for a period of time. In this case, the supplementary resource should be added as additional direct cost - for a relevant number of hours. (An hour, or multiples of an hour, should be the minimum time unit used). The charging model should still be applied in the same way but for a different amount of deployed hours, allowing a transparent approach to be taken for the use of supplementary resource at an event.
- 3.3 The Special Constabulary forms a resource that is capable of providing part of the policing service. They are a trained supplementary police resource, generally deployed to provide "small event" policing or to augment policing at larger events. Specials incur a range of costs in uniform/ equipment, travel and subsistence, training, and the use of police vehicles and control equipment. There are no direct employable costs.
- 3.4 It is important that the use of this resource is not distorted - (by the supplier or receiver) by using the charging methodology. On the one hand, specials have the powers of a constable and can therefore be deployed as a recognisable police resource. On the other, the cost base of the specials is demonstrably lower than regular officers. To reflect that it is recommended that a charge of 50% of the Police Constable rate is made for each Special Constable.

#### **Other Police staff**

- 3.5 PCSOs represent a different element of the extended police family. Their role is complementary to police activity. They are capable of being deployed to augment the service and provide visibility and re-assurance (e.g. small scale events), and should be included at the police staff direct charging calculations.
- 3.6 There are increasingly circumstances where specialist police staff provide a front line service as part of special police services. Where police staff have relevant powers and are acting in a core role then they should be included within the direct cost of service calculation.
- 3.7 Care should be taken in making this assessment. This charging methodology includes the majority of a force's support staff as part of the overhead recovery and it is therefore important to be clear and transparent in the use of specialist police staff.
- 3.8 However, it is often the case that police staff can and are used in the delivery of services outside of Section 25 arrangements. These staff then form part of the direct cost of service delivered and should be included as part of the direct service cost element.
- 3.9 Appendix 4 sets out guidance on the basis for including individual cost elements in the model. It is not exhaustive and there will be some variation in how budgeted information is held by forces. It should be remembered that there is a balance to be struck between precision and materiality, whilst striving to maintain a consistent approach to the charging methodology.
- 3.10 Additional specific items of cost can also be calculated by use of average actual cost. Examples would include the specific use of vehicles for which an average cost of depreciation, average cost of service/repair and consumables can be calculated as appropriate.

**Appendix 1****Powers for the Charging of Police Services****Police Reform and Social Responsibility Act 2011 - Section 15 Supply of Goods and Services**

This section of the Police Reform and Social Responsibility 2011 Act augments the 1996 Police Act with changes to reflect the creation of the Office of the Police & Crime Commissioner:

**15 Supply of goods and services**

- (1) Subsections (1), (2) and (3) of section 1 of the 1970 Act (supply of goods and services by local authorities) apply, with the modification set out in subsection (2), to each elected local policing body as they apply to a local authority.
- (2) In those subsections, references to a public body (within the meaning of that section) are to be read as references to any person.
- (3) An elected local policing body may not enter into an agreement with another elected local policing body, or with the Common Council of the City of London in its capacity as a local policing body, under section 1 of the 1970 Act in respect of a matter which could be the subject of force collaboration provision in a collaboration agreement under section 22A of the Police Act 1996.
- (4) In this section "1970 Act" means the Local Authorities (Goods and Services) Act 1970.

**Police Act 1996 - Section 25 Special Policing Services**

This act provides the basis of the provision of Special Police Services.

**25 Provision of Special Services.**

- (1) The chief officer of police of a police force may provide, at the request of any person, special police services at any premises or in any locality in the police area for which the force is maintained, subject to the payment to the local policing body of charges on such scales as may be determined by that body.
- (1A) The Chief Constable of the British Transport Police Force may provide special police services at the request of any person, subject to the payment to the Strategic Rail Authority of charges on such scales as may be determined by that Authority.

**Police Act 1996 - Section 26 Provision of advice and assistance to international organisations**

Subject to the provisions of this section, a PCC may:-

**26 Provision of advice and assistance to international organisations etc.**

- (1) Subject to the provisions of this section, a local policing body may provide advice and assistance—
  - (a) to an international organisation or institution, or
  - (b) to any other person or body which is engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the local policing body or the chief officer of police for its area.
- (2) The power conferred on a local policing body by subsection (1) includes a power to make arrangements under which a member of the police force maintained by the local policing body is engaged for a period of temporary service with a person or body within paragraph (a) or (b) of that subsection.

- |     |  |
|-----|--|
| (3) | The power conferred by subsection (1) shall not be exercised except with the consent of the Secretary of State or in accordance with a general authorisation given by him. |
| (4) | A consent or authorisation under subsection (3) may be given subject to such conditions as appear to the Secretary of State to be appropriate.                             |
| (5) | Nothing in this section authorises a local policing body to provide any financial assistance by—   |
|     | (a) making a grant or loan,  |
|     | (b) giving a guarantee or indemnity, or  |
|     | (c) investing by acquiring share or loan capital.  |
| (6) | A local policing body may make charges for advice or assistance provided by it under this section.   |
| (7) | (Removed)  |
| (8) | The provisions of this section are without prejudice to the Police (Overseas Service) Act 1945   |

### Amendment

Sub-s (7): repealed by the Greater London Authority Act 1999, ss 325, 423, Sch 27, para 81, Sch 34, Pt VII.

Date in force: 3 July 2000: see SI 2000/1648, art 2, Schedule.

(8) The provisions of this section are without prejudice to the Police (Overseas Service) Act 1945.

### Amendment

Sub-s (8): words omitted repealed by the International Development Act 2002, s 19(2), Sch 4.

Date in force: 17 June 2002: see SI 2002/1408, art 2.

### ***Police Act 1996 - Section 92 Grants by local authorities.***

This provides the ability of a force to receive a grant towards policing costs from a local authority above normal precept arrangements.

#### **92 Grants by local authorities.**

- |     |  |
|-----|--|
| (1) | The council of a county, district, county borough, London borough, parish or community may make grants to any police and crime commissioner whose police area falls wholly or partly within the council's area.    |
| (2) | The council of a London borough, county, district or parish which falls wholly or partly within the metropolitan police district may make grants for police purposes to the Mayor's Office for Policing and Crime. |
| (3) | Grants under this section may be made unconditionally or, with the agreement of the chief officer of police for the police area concerned, subject to conditions.  |
| (4) | This section applies to the Council of the Isles of Scilly as it applies to a county council.  |

## Appendix 2

## Charging for Events

## Matrix for assessing abatement of charges.

Type	Event	Charge Category
<b>Commercial</b>		100 %
	Professional sporting events	
	Music Concerts / festivals	
	Commercial bonfire / fireworks celebrations	
	Car boot sales	
	Motoring events	
	Game Shows	
	Showground events – principally commercial in nature	
	Tattoos / military events	
	Animal shows	
	Horse racing	
	Events on private property	
<b>Non-Commercial</b>		0-75%
Charitable	Charity road races – running / cycling	
	Charity events – bonfires etc.	
	Charitable shows – wholly or substantially charitable in nature	
Community	Town Centre events/markets	
	Local Authority events	
	Carnivals	
	Community fairs/celebrations	
	Religious Parades	
Not for Profit Community	Amateur cycling races	
	Amateur running races	
<b>Statutory Events</b>		0
	Ceremonial parades	
	Remembrance Day parades	
	Jubilee events	
	Constitutional events	
	"De minimis" events	0

## Assessment Criteria

1	Promoter
2	Safety certificate /Premises licence requirement
3	Stewards used (H&S assessment)
4	Payment at event
5	Performers paid
6	Traders concessions
7	Nature of event
8	Proceeds to Charity
9	Detrimental community impact
10	Community value
11	Level of normal deployment
	(Small scale event – de minimis)

## Appendix 3

## Charge Rates for Common Items

Revised 2013/14 £		Revised 2014/15 £
	<b><u>Accident Reports</u></b>	
88.60	Copy of Accident Report (full extract up to 30pages)	90.40
3.80	Additional pages for same incident (per page)	3.90
31.50	Limited particulars (RT Act details)	32.10
31.50	Copy of self reporting / minor accident form	32.10
380.60	Fatals - Accident Investigation report	388.20
75.90	Fatals - Reconstruction video	77.40
25.30	Rough Data (per page)	25.80
38.00	Copy of Scale plan -other than in collision report	38.80
63.20	Copy of Police vehicle examination report ( <b>unless provided as full extract</b> )	64.50
63.20	Copy of Collision Reconstruction Report ( <b>unless provided as full extract</b> )	64.50
3.80	Copy of Collision Reconstruction Report ( <b>unless provided as full extract</b> ) per page (max £50)	3.90
	<b><u>Copies of Photographs</u></b>	
18.60	from Digital camera ( <b>per disc</b> )	19.00
18.60	A4 Index sheet ( <b>digital</b> )	19.00
25.30	Photographs ( <b>first photo</b> )	25.80
2.80	Each subsequent photograph	2.90
	<b><u>Copies of statements - other than in booklets</u></b>	
32.50	(per statement – up to 3 pages)	33.20
3.80	Additional pages (per page)	3.90
38.00	Copy of witness statement ( <b>witness agrees to disclosure of personal details</b> )	38.80
50.60	Copy of witness statement ( <b>witness not agreeing to disclosure of personal details</b> )	51.60
126.50	Interview with Police Officer (per Officer)	129.00
126.50	Request for a statement to be written by Police Officer	129.00
25.30	Copy of PIC Sheets (2nd copy )	25.80
50.60	Copy of interview record (only where prepared during investigative process)	51.60
75.90	Copies of VHS videotapes (provision for CJS)	77.40
75.90	Copies of audio tapes	77.40
31.50	(provision for CJS)	32.10
18.60	Copies of CDs/DVDs	19.00
	<b><u>Cancellation charges</u></b>	
REFUND	if request is cancelled prior to search	REFUND
31.50	if search is made prior to cancellation	32.10
75.90	if search is made and documents ready for dispatch	77.40
31.50	Abortive search	32.10
	<b><u>Fingerprinting Fees</u></b>	
71.50	One set	72.90
35.70	Additional sets thereafter (each)	36.40

## Appendix 3 continued

## Charge Rates for Common Items

Previous 2013/14		Revised 2014/15
	<b><u>Requests for Disclosure of Information</u></b>	
79.60	Request for information (up to 2 hours work)	81.20
26.60	Hourly rate for work above 2 hours (including redaction)	27.10
	<b><u>ABI/Lloyds Disclosure of Information (ABI/Lloyds MOU)</u></b>	
26.60	Request (crime/lost property number, etc.) – MOU App D(a)	27.10
112.70	Request (In response to specific questions) – MOU App D(b)	115.50
126.50	Interview with Police Officer (per Officer) – MOU Para 4.5	129.00
	<b><u>Other common items</u></b>	
80.50	Crime Report	82.10
32.10	MG5	32.70
32.10	MG3	32.70
32.70	Incident Log	33.40
32.10	PNC Convictions	32.70
21.40	Caution Certificate	21.80
48.30	Domestic Violence Report	49.30
16.20	Occurrence Summary	16.50
16.20	Custody Record	16.50
	<b><u>Data Protection Act 1998 Fees (SI 2000/191)</u></b>	
10.00	DPA 1998 – Section 7 Subject Access Request	10.00
50.00	DPA 1998 – Section 68 Health Records (Copy)	50.00
10.00	DPA 1998 – Section 68 Health Records (View)	10.00
50.00	DPA 1998 – Section 68 Health Records (View & then Copy)	50.00
	<b><u>Alarm URN Fees (Set by ACPO CPI)</u></b>	
43.49	Alarm Registration (Intruder)	<b>Set by ACPO CPI</b>
43.49	Alarm Registration (Panic Alarm)	
52.55	Lone Worker Devices up to 10,000	
78.82	Lone Workers Devices 10,001 – 50,000	
105.10	Lone Workers Devices 50,001 and over	

Section 15 services are generally subject to VAT at the then current rate, except where a service is required by statute or authority direction.

**Appendix 3 continued****Charge Rates for Common Items**

	<b>Statutory</b>
	<b>Charges £</b>
<b>Certificates</b>	
Firearms Certificate issue	50.00
Firearms certificate renewal	40.00
Firearms certificate replacement	9.00
Shotgun Certificate issue	50.00
Shotgun Certificate renewal	40.00
Shotgun Certificate replacement	8.00
Shotgun Certificate (co-terminus with Firearms Certificate)	10.00
Visitors Permit (Single)	12.00
Visitors Permit (6+)	60.00
Home Office Club approval	84.00
Registered Firearms Dealer issue	150.00
Registered Firearms Dealer replacement	150.00
Registered Firearms Dealer – Temporary Transfer In	12.00
Firearms Museum Licence	200.00
Aliens Certificates	34.00
Peddler Certificates	12.25

It should be noted that these charges are set by reference to Statutory Instruments and differ to the increased charges that were proposed in the first iteration of the charging guidance. Current charges for these items should be confirmed at the time of charging.

## Appendix 4

**Costing / Charging model**

	Key Data	Calculation
<b>A</b>	<b>Direct Costs</b>	
1	Basic Salary	Average salary per rank
2	Rent/ Hsg. allowance	Total Budget (inc. Comp grant) weighted by rank/no. of officers
3	Police reform payments	Average CRTP, unsociable hours and Bonus payment per rank
4	Subsistence	Total force budget / no. of staff (weighted)
5	Regional allowances	Total budget weighted by rank no. of officers
6	Other allowances / benefits	Total budget / no. of officers
7	National Insurance	Total of 1-6 , calculated as per NI model
8	Pensions cost	Net In year service cost per FRS 17, allowing for officers contributions – estimated at 24.2%
<b>=</b>	<b>Total employable cost</b>	
9	Overtime premium	Rest day on-cost at 50% of basic pay
<b>=</b>	<b>Total Direct Cost</b>	
<b>B</b>	<b>Direct Overheads</b>	
10	Uniforms / equipment	Total Budget /no. of officers
11	Insurance	Total Budget /no. of officers
12	Transport	Total Budget /no. of officers
13	Training	Dept. budget + devolved budgets / no. of staff
14	Call Handling	Call answering, crime recording, incident handling / no. of officers
15	Communications infrastructure	IT infrastructure, voice services & operational applications / no. of officers
<b>=</b>	<b>Total Operational Resource Cost</b>	
<b>C</b>	<b>Indirect Overheads</b>	
16	General overhead recovery	Average indirect overhead recovery @ 30% (estimated national average) applied to Employable Cost + Direct Overheads
<b>=</b>	<b>Full Economic Cost</b>	

**Costing/ Charging direct Police staff**

	Key Data	Proposed Calculation
<b>A</b>	<b>Direct Costs</b>	
1	Basic Salary	Average salary per mid point of grade
2	Employers NI	Average by grade
3	Employers Superannuation	Force calculation to Superannuation Fund
4	Uniform	Average cost per relevant staff (where applicable).
5	Employers Liability insurance	Average cost per relevant staff (where applicable).
<b>=</b>	<b>Total employable cost</b>	
8	Overtime premium	Where applicable – at appropriate rate
<b>=</b>	<b>Total Direct Cost</b>	



## Appendix 4 (1)

## Example Calculation from April 2012/13

## Direct Costs &amp; Direct Overheads Calculation

	PC	Sgt	Ins	C Insp	Supt	C Supt
	£ pa	£ pa	£ pa	£ pa	£ pa	£ pa
<b>Basic Salary</b>	33,933	40,489	50,628	53,681	70,229	78,636
<b>Competence</b>	315	499	587	466	30	0
<b>Unsociable Hours</b>	1,200	1,500	1,900	2,100	0	0
<b>Bonus Payment</b>	0	0	0	0	0	0
<b>Subsistence</b>	47	47	47	47	47	47
<b>Rent / Hsg Allowance</b>	1,339	1,897	2,311	2,716	2,681	3,740
<b>Regional Allowances</b>	0	0	0	0	0	0
<b>Healthcare Scheme</b>	0	0	0	0	0	0
<b>Other Misc Allowances</b>	148	148	148	148	148	148
	36,982	44,580	55,621	59,158	73,135	82,571
<b>National Insurance</b>	2,820	3,666	5,150	5,611	7,855	9,107
<b>Pension</b>	8,288	9,919	12,394	13,104	17,003	19,030
<b>Employable Cost</b>	<b>48,090</b>	<b>58,165</b>	<b>73,165</b>	<b>77,873</b>	<b>97,993</b>	<b>110,708</b>
<b>Overtime premium</b>	16,967	20,245				
<b>Total Direct Cost</b>	<b>65,057</b>	<b>78,410</b>	<b>73,165</b>	<b>77,873</b>	<b>97,993</b>	<b>110,708</b>
<b>Direct Overheads</b>						
<b>Uniforms</b>	275	275	275	275	275	275
<b>Insurance</b>	195	195	195	195	195	195
<b>Transport</b>	1,716	1,716	1,716	1,716	1,716	1,716
<b>Training</b>	1,471	1,471	1,471	1,471	1,471	1,471
<b>Call Handling</b>	3,200	3,200	3,200	3,200	3,200	3,200
<b>Communications</b>						
<b>Infrastructure</b>	1,187	1,187	1,187	1,187	1,187	1,187
<b>Direct Overheads</b>	<b>8,044</b>	<b>8,044</b>	<b>8,044</b>	<b>8,044</b>	<b>8,044</b>	<b>8,044</b>
<b>Resource Cost</b>	<b>73,101</b>	<b>86,454</b>	<b>81,209</b>	<b>85,917</b>	<b>106,037</b>	<b>118,752</b>

Each Force is required to update the above calculation to reflect their Force position for the current financial year. The special policing services guidance describes a standard method for the calculation the charges and their application. The actual rates charged will differ for each force, based upon costs within that specific force.

## Appendix 4 (2)

## Example Calculation Illustrating April 2012/13

	PC	Sgt	Insp.	Ch. Insp.	Supt	C Supt
	£ pa	£ pa	£ pa	£ pa	£ pa	£ pa
<b>Employable Costs</b>	<b>48,090</b>	<b>58,165</b>	<b>73,165</b>	<b>77,873</b>	<b>97,993</b>	<b>110,708</b>
<b>Overtime Premium</b>	16,967	20,245				
<b>Total Direct Cost</b>	<b>65,057</b>	<b>78,410</b>	<b>73,165</b>	<b>77,873</b>	<b>97,993</b>	<b>110,708</b>
Direct Overheads	<b>8,044</b>	<b>8,044</b>	<b>8,044</b>	<b>8,044</b>	<b>8,044</b>	<b>8,044</b>
<b>Resource/Operational Cost</b>	<b>73,101</b>	<b>86,454</b>	<b>81,209</b>	<b>85,917</b>	<b>106,037</b>	<b>118,752</b>
Indirect Overheads	16,840	19,863	24,363	25,775	31,811	35,626
<b>Full Economic Costs</b>	<b>89,941</b>	<b>106,317</b>	<b>105,572</b>	<b>111,692</b>	<b>137,848</b>	<b>154,378</b>
<b>Available Productive Hours</b>						
Standard Calculation to be used throughout	PC	Sgt	Insp.	Ch. Insp.	Supt	C Supt
Total Days	365	365	365	365	365	365
less :						
Rest Days & Weekends	104	104	104	104	104	104
Annual Leave	26	27	29	29	31	31
Average Sickness	11	10	9	9	8	8
Training Days	8	8	7	7	6	6
Bank Holidays	8	8	8	8	8	8
Net Days	208	208	208	208	208	208
Productive hours per shift	7.25	7.25	7.25	7.25	7.25	7.25
Total Hours	1,508	1,508	1,508	1,508	1,508	1,508
Net Days	208	208	208	208	208	208
	PC	Sgt	Insp.	Ch. Insp.	Supt	C Supt
	£ per hour	£ per hour	£ per hour	£ per hour	£ per hour	£ per hour
<b>Employable Costs</b>	31.89	38.57	48.52	51.64	64.98	73.41
<b>Overtime Premium</b>	11.25	13.43				
<b>Total Direct Cost</b>	<b>43.14</b>	<b>52.00</b>	<b>48.52</b>	<b>51.64</b>	<b>64.98</b>	<b>73.41</b>
Direct Overheads	5.33	5.33	5.33	5.33	5.33	5.33
<b>Resource/Operational Cost</b>	<b>48.48</b>	<b>57.33</b>	<b>53.85</b>	<b>56.97</b>	<b>70.31</b>	<b>78.74</b>
Indirect Overheads	11.17	13.17	16.16	17.09	21.09	23.62
<b>Full Economic Costs</b>	<b>59.65</b>	<b>70.50</b>	<b>70.01</b>	<b>74.06</b>	<b>91.40</b>	<b>102.36</b>

**Charges may include an additional Short Notice/Public Holiday premium, if the deployment is on a Public Holiday or if the deploying force is unable to provide Officers with more than 15 days' notice to perform the requested duties.**

## Appendix 4 (3)

## Example of Police Staff cost recovery – for pay award September 2009/10 and 2010/11

	Band A-C	Band D-E	Management	PCSO	SOCO
	SCP 13	SCP 32	SCP 53	SCP 20	SCP 29
	£ pa	£ pa	£ pa	£ pa	£ pa
<b>Employable Costs</b>	<b>22,904</b>	<b>38,789</b>	<b>63,798</b>	<b>26,566</b>	<b>35,450</b>
<b>Overtime Premium</b>	8,951	15,944	-	11,078	14,735
<b>Total Direct Cost</b>	<b>31,856</b>	<b>54,733</b>	<b>63,798</b>	<b>37,644</b>	<b>50,185</b>
Direct Overheads	1,031	1,031	1,031	9,087	1,031
<b>Resource/Operational Cost</b>	<b>32,886</b>	<b>55,764</b>	<b>64,828</b>	<b>46,731</b>	<b>51,216</b>
Indirect Overheads	7,181	11,946	19,448	10,696	10,944
<b>Full Economic Costs</b>	<b>40,067</b>	<b>67,710</b>	<b>84,276</b>	<b>57,427</b>	<b>62,160</b>
<b>Available Productive Hours</b>					
Standard Calculation to be used throughout	Band A-C	Band D-E	Management	PCSO	SOCO
Total Days	365	365	365	365	365
less :					
Rest Days & Weekends	104	104	104	104	104
Annual Leave	26	27	29	26	27
Average Sickness	11	10	9	11	10
Training Days	8	8	7	8	8
Bank Holidays	8	8	8	8	8
Net Days	208	208	208	208	208
Productive hours per shift	7.25	7.25	7.25	7.25	7.25
Total Hours	1,508	1,508	1,508	1,508	1,508
Net Days	208	208	208	208	208
	Band A-C	Band D-E	Management	PCSO	SOCO
	£ per hour	£ per hour	£ per hour	£ per hour	£ per hour
<b>Direct Costs</b>	15.19	25.72	42.31	17.62	23.51
<b>Overtime Premium</b>	5.94	10.57	-	7.35	9.77
<b>Total Direct Cost</b>	<b>21.12</b>	<b>36.30</b>	<b>42.31</b>	<b>24.96</b>	<b>33.28</b>
Direct Overheads	0.68	0.68	0.68	6.03	0.68
<b>Resource/Operational Cost</b>	<b>21.81</b>	<b>36.98</b>	<b>42.99</b>	<b>30.99</b>	<b>33.96</b>
Indirect Overheads	4.76	7.92	12.90	7.09	7.26
<b>Full Economic Costs</b>	<b>26.57</b>	<b>44.90</b>	<b>55.89</b>	<b>38.08</b>	<b>41.22</b>
<b>Short Notice Additional Premium</b>	£ per hour	£ per hour	£ per hour	£ per hour	£ per hour
less than 15 days' notice	11.88	21.14		14.70	23.64
Public Holiday rate	17.82	10.57		22.05	11.82

## Appendix 5

### **Case Law – Charging for Special Police Services**

Case law offers helpful material and the key points considered in the case of Reading Festival Limited v West Yorkshire Police Authority 2006 (Para 4.14 – 4.16) are reproduced below:

#### **Reading Festival Ltd v West Yorkshire Police Authority 2006 [2006] EWCA Civ 524** Court of Appeal

Over a period of four years W had provided special police services to R for the running of a three-day music festival for which each year a fee was agreed and paid. In the particular year in question W did not wish the festival to take place due to the increase in violence at the event in previous years. At a meeting to agree matters prior to the festival taking place parties had failed to reach an agreement. R wished W to police the event as before but W made it clear that they would not put significant numbers of officers on the site. The event, however, took place with W having a lower profile than in previous years but with officers based in the surrounding community who could be called upon if necessary and R hired security staff to maintain site safety. W wished to claim payment for special police services under section 25(1) of the Police Act 1996.

The trial judge held that R had requested special police services under section 25(1) of the 1996 Act were provided and accordingly gave judgment for W.

#### **Held**

Appeal Allowed.

Rs hope that W would police the festival did not amount to a request for special police services under section 25(1) of the Police Act 1996 and even if it had W provided an entirely different service anyway by provision of low profile backup in the surrounding area should they be required. The provision of those officers in the surrounding area was not required in order for the festival to take place.

The parties had not agreed and therefore Ws claim had to fail because section 25(1) cannot operate without a contract being in place. It had been for R to decide what services it required and for W to decide how they would be provided.

No special services had been provided, as the main purpose of the deployment had been the protection of the public despite that being as a result of the festival taking place and despite the operation being for the benefit of W and R, it had not specifically been requested by R.

Although it is difficult to fully define what were special police services because it was dependant upon the circumstances there are some key features that would tend to suggest they were present,

The services would have been requested but over and above that which the police would see as fulfilling their public duty, or  
The services would have to be provided by the party requesting them from the police if the police did not provide them.

The services would be something that was requested and whether provided privately or publicly property would likely to be a strong factor behind it.

Section 25(1) of the Police Act 1996 replaced section 15(1) of the Police Act 1964 which was in identical terms. The 1964 Act placed on a statutory basis what had previously been recognised at common law since ***Glasbrook Brothers Limited v Glamorgan County Council* [1925] AC 270**.

### **Glasbrook.**

In that case a colliery manager applied for police protection of his colliery during a strike. The police superintendent was prepared to provide what, in his opinion, was adequate protection by means of a mobile force. The manager insisted the colliery could only be efficiently protected by billeting men on the premises. This, the superintendent was only prepared to do if the manager agreed to pay for the men at the specified rate. The colliery sought to resist recovery of the sum of £2200 which they had agreed to pay for the cost of the police services specially supplied. The House of Lords by a majority of 3 to 2 held that there was nothing illegal in the agreement nor was it void for want of consideration.

*Glasbrook* affirmed the principle that there is a fundamental obligation on the police to keep law and order and that this is paid for through general taxation.

Viscount Cave L.C. *"No doubt there is an absolute and unconditional obligation binding the police authorities to take all steps which appear to them to be necessary for keeping the peace, for preventing crime, or for protecting property from criminal injury; and the public, who pay for this protection through the rates and taxes, cannot lawfully be called upon to make a further payment for that which is their right."*

The decision in *Glasbrook* turned on whether the lending of seventy constables to be billeted in the appellants' colliery was a legitimate application of the principle, and the House of Lords held by a majority that it was. The question for the court was whether on 9 July 1921, the police authorities, acting reasonably and in good faith, considered a police garrison at the colliery necessary for the protection of life and property from violence, or, in other words, whether the decision of the Chief Constable in refusing special protection unless paid was such a decision as a man in his shoes could reasonably take.

Viscount Cave L.C. *"If in the judgment of the police authorities, formed reasonably and in good faith, the garrison was necessary for the protection of life and property, then they were not entitled to make a charge for it, for that would be to exact a payment for the performance of a duty which they clearly owed to the appellants and their servants; but if they thought the garrison a superfluity and only acceded to Mr. James' request with a view to meeting his wishes, then in my opinion they were entitled to treat the garrison duty as special duty and to charge for it."*

*"I have come to the conclusion that when a colliery company or an individual requisitions police protection of a special character for a particular purpose, he must pay for it, and he must pay for it whether he makes a contract to pay or whether he does not – a promise to pay would be implied under those circumstances."*

In fact there was an express promise in that case. Thus it has been established, at least since the decision in *Glasbrook*, that the police are entitled to provide special police services if requested to do so, 'special police services' being broadly defined as those over and above their general obligation to maintain law and order and keep the peace.

Thus, following what Viscount Cave said, a promoter of a function who requisitions 'special police services' must pay for them whether he makes a contract to pay or a promise to pay is to be implied.

***Harris v Sheffield United Football Club Ltd* [1988] 1QB 77.**

**Harris**

The main issue in that case was whether services provided by the police at Sheffield United Football Club for the club's home fixtures were 'special police services' so that if they were provided at the club's request the police could charge for them. Up until 1970 the club had made special arrangements for the attendance of police officers at matches for which payments had been made. Thereafter the police

continued to attend at matches both inside and outside the ground, but the club's view was that they were obliged to do so in accordance with their duty to maintain law and order. The club refused to make any payment. The police authority claimed £51,669 for the services of officers inside the ground for a 15 month period between August 1982 and November 1983 on the basis that they were 'special police services'. The club argued that they were not and that the police were doing no more than carrying out their duty. Further, the club denied that over a short period at the end of 1983 they had 'requested' police services for the purposes of the section and counterclaimed a declaration that they were not liable to make any payment for police services unless they requested attendance by officers to fulfil roles other than police duty. The judge found that at some matches violence was almost certain unless the police attended in substantial numbers, but concluded that the attendances inside the ground constituted special services and that the services had been requested. His decision was upheld on appeal.

Neill L.J. did not attempt to lay down any general rules as to what are or are not 'special police services'. He pointed out that it depended on all the circumstances of the individual case. He did, however, identify four matters that ought to be taken into account. These were:

- Whether the police officers were required to attend on private premises or in a public place. The fact that the police do not as a general rule have access to private premises suggests that prima facie their presence on private premises would constitute 'special police services'.
- Whether some violence or other emergency had already occurred or was immediately imminent.
- The nature of the event or occasion the officers were required to attend. Here, he thought a distinction could be drawn between public events, such as elections, at one end of the spectrum and private events such as weddings at the other. He saw events such as football matches, to which the public are invited and which large numbers are likely to attend, as lying somewhere in between. He thought it might be relevant to inquire whether the event was a single one or one of a series, which was likely to place an exceptional strain on police resources.
- Whether the necessary amount of police protection could be met from the resources available to the chief constable without the assistance of officers who would be engaged in other duties or off duty.

Neil L.J. *"Bearing these considerations in mind I return to the present case. The club has responsibilities which are owed not only to its employees and the spectators who attend but also to the football authorities to take all reasonable steps to ensure that the game takes place in conditions which do not occasion danger to any person or property. The attendance of the police is necessary to assist the club in the fulfilment of this duty. The matches take place regularly and usually at weekends during about eight months of the year. Though the holding of the matches is of some public importance because of the wide spread support in the local community both for the game and the club, the club is not under any legal duty to hold the matches. The charges which the police authority seek to make, and have made, relate solely to the officers on duty inside the ground and not to those in the street or other public places outside.*

*There is clear evidence that the Chief Constable would be unable to provide the necessary amount of protection for Bramall Lane and also to discharge his other responsibilities without making extensive use of officers who would otherwise have been off duty. Substantial sums by a way of overtime have therefore to be paid. The arrangements for*

*the attendance of the officers are made to guard against the possibility, and for some matches the probability, of violence; the officers are not sent to deal with an existing emergency, nor can it be said that any outbreak of violence is immediately imminent.*

*In my judgment, looking at all these factors I am driven to the conclusion that the provision of police officers to attend regularly at Bramall Lane throughout the football season does constitute the provision of special police services. Nor in my opinion is it to the point that the club has stated that they do not expect the police to carry out any duties other than to maintain law and order. The resources of the police are finite. In my view if the club wishes on a regular basis to make an exceptional claim on police services to deal with potential violence on its premises, then however well intentioned and public spirited it may be in assembling the crowd at Bramall*

*Lane, the services which it receives are "special police services" within the meaning of section 15(1) of the Police Act 1964."*

Balcombe L.J. *"In answering the question whether the provision of police within the club's ground was a special service the judge said:*

*"The numbers considered necessary to carry out these services could only be provided by calling on officers who, at the material times, would otherwise have been off duty. The scope and extent of those services and their impact on the chief constable's manpower resources put them beyond what the club, in the circumstances, was entitled to have provided in pursuance of the chief constable's public duty. He was entitled to provide those services because he was able to do so without depriving other people of police protection. In other words, **the services provided were within his powers; they were not within the scope of his public duty.** I am satisfied that they were special services as I understand that expression to have been used in the Glasbrook case and within the meaning of section 15(1) of the Police Act 1964. It follows that he was entitled to provide them on condition that they were paid for".*

The second question in *Harris* was whether the services had been requested. This related solely to the short period after October 1983 in respect of which it was argued on behalf of the club that there had been no relevant requests other than requests made on a without prejudice basis.

Neill L.J. *"If the club is to hold matches at Bramall Lane it is necessary for police officers to attend inside the ground. Their presence is necessary to enable the club to meet its responsibilities to the players, the staff and the spectators as well as to comply with the rules imposed by the football authorities. It is not necessary to examine what steps could be taken, and by whom, to stop a match taking place if the club authorities declined to allow the police to attend. But there is no likelihood that the club authorities, who have acted with a great sense of responsibility throughout, would take such a course. It may be that the request for the police services can only be implied from all the circumstances and that it is made without enthusiasm. But if the police attend in order to enable the match to take place then, in the circumstances existing in this case, I consider that a request is to be implied."*

In the case of *Harris* the court there was considering police services within the ground and not outside. While the section covers services provided at any premises or in any location in the force area provided they are 'special police services', the police were not seeking to recover any costs of policing outside the ground. *Harris* is authority for the proposition that regular attendance of the police inside the stadium is special police services.

At football matches rival fans have to get safely to and from the ground, sometimes in a highly charged atmosphere. At the ground they have to be kept apart. A large crowd has to be kept safely in a confined space. A music festival extends over a longer period and takes place in a much larger open space. The threat it creates to the community outside the venue itself is over a much wider and less specific area. It should not be overlooked when drawing the line in a



particular case between what are and what are not 'special police services' that the outcome will determine whether the promoter of the event or the public at large pays for the services provided.

### **Chief Constable of Greater Manchester Police vs. Wigan Athletic AFC LTD [2007] EWHC 3095 (Ch)**

#### **IN SUMMARY**

Circumstances in which this matter came to the High Court are that GMP had been providing special police services at the request of WIGAN AFC. As Wigan were subsequently promoted through the leagues to the Premier League, GMP proposed an increase in charges having identified a need for an increase in policing.

Wigan did not accept those charges and offered to pay at the previous seasons' deployments, up rated for pay inflation. Arrears accrued as GMP continued to provide special services at the level of service they deemed appropriate for the match. Included within these charges were the costs of officers deployed within the stadium and those immediately outside.

Wigan paid some monies under protest. GMP sued for the balance, and Wigan counterclaimed for the monies that had been paid under protest. Wigan contended that GMP had not provided Special Policing Services (SPS) as they had not been agreed or requested, in their view such a request could not be implied and the policing provided could not be 'special policing' as it included services outside the stadium.

#### **HELD**

- 1) Where an event was staged at which disorder was a possibility the police could not be expected to police it as part of normal duties and it would amount to special policing services. The organiser of the event was obliged to pay for special policing even where a contract did not exist - a promise to pay could be implied.
- 2) The policing around the stadium in this case had been special services and not part of GMP's duty to provide normal policing. On the facts of the case a distinction was not drawn between those officers inside the ground and those on the surrounding land outside the stadium.
- 3) The provision of special policing under S25 was based on the relationship created by a 'request' and not on the provision of certain policing. In this case a request could be implied as Wigan could not safely stage its matches without police attendance. Wigan were not arguing that the police should not attend but about how much they should pay.
- 4) In absence of a contract GMP could recover costs on a quantum merit basis as a service had been provided and both parties had an expectation that they would be paid for and Wigan had obtained a benefit.
- 5) The amount of special policing required had to be determined on a case-by-case basis.
- 6) It is vital that police and clubs formally meet before the season to agree how policing is to be paid for. Mann J being of the view that a case of this nature should not be brought before the Courts again.
- 7) Mann J considered a sample of 7 matches out of over 40 and determined on a phase by phase basis what could and could not amount as SPS. Where it was found that officers were undertaking public policing duties not connected with SPS they could not be charged. An analysis of the approach in the case has been used to provide the following set of considerations when addressing charging for football matches.

### **Chief Constable of Greater Manchester v Wigan Athletic AFC LTD [2008] EWCA Civ 1449**

Court of Appeal (Sir Andrew Morritt (Chancellor), Smith LJ, Maurice Kay LJ)



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**In the circumstances a football club had not made an implied request for special police services and was not required to pay for policing services provided over and above those which it had expressly requested.**

Wigan appealed against a decision that it was obliged to pay the respondent Chief Constable for special police services provided pursuant to an implied request by it for such services. For some years W had paid for policing at its football matches. Pursuant to a certificate under the Safety of Sports Grounds Act 1975, it was required to secure at its own expense such policing as was in the opinion of the Chief Constable sufficient to ensure the orderly behaviour of spectators. As from the start of the 2003/2004 season, W was promoted to a higher division and although that meant that additional policing was required, W refused to pay any increased charges for police services.

No agreement was reached and although policing was provided at a higher level and at increased cost, W continued to pay only for policing at the levels provided in previous seasons. After two seasons the Chief Constable sought recovery of the unpaid balance of the cost of the policing actually provided, claiming that such policing constituted special policing services within the meaning of the Police Act 1996. The judge found that there had been an implied request for special police services for the purposes of s.25, and that although that did not create a statutory head of claim, the Chief Constable #

had a basis for recovery either in contract or in restitution. W submitted that the judge's conclusion was not one that was properly open to him in the light of his own findings of fact and the conclusion of the Court of Appeal in Reading Festival Ltd v West Yorkshire Police Authority (2006) EWCA Civ 524, (2006) 1 WLR 2005.

The principles set out in by Mann J were not challenged only the issues around whether there was an implied request which gave a basis for recovery of that debt.

HELD: (Maurice Kay LJ dissenting)

(1) The judge had been wrong to find that there had been an implied request for special police services. It was clear both from the terms of s.25 and from the decision in Reading Festival that to fall within s.25 a request had to match the special police services supplied. However, the match did not need to be exact. It was for the Chief Constable to determine the level of policing required, so if a person asked for special police services at a private event and those services were provided at the level deemed necessary by the police authority, it was no answer to the police's claim for reimbursement of the cost that the request had not specified the level of policing actually provided. Conversely, if a promoter asked for on-site policing and the police authority concluded that off-site policing was required, it could not, without more, charge the promoter for the off-site policing he did not request. The instant case lay between those two extremes.

The judge's findings of fact made it clear that W had objected to the increase in the number of officers deployed at its matches, considering that the increased manpower was not necessary. If W's objection was to the level of policing, it was impossible to infer a request for the provision of the special police services to which it objected. That was the only possible conclusion consistent with Reading Festival, Reading Festival applied.

(2) The Chief Constable was not entitled to recover the costs of providing policing by way of restitution. While it was not clear whether there had been any benefit to W in having the extra policing, it was clear that there had been no free acceptance of that higher level of policing: W was unable to reject those services unless it also rejected the services that it did want and had requested. There was no factor rendering it unjust for W to retain the benefit of the extra policing. There had been an impasse, neither party would back down, and while the police could have reduced the level of policing, for W it was all or nothing, either it accepted all the policing provided or stopped playing home matches. Given that choice, even if the extra policing was to be regarded as a benefit to W, it should not be made to pay for it.

Dissenting view (3) (Per Maurice Kay LJ). The Chief Constable was entitled to recover by way of restitution. W had benefited from the extra policing provided at the Chief Constable's expense and it would be unjust if it did not make appropriate payment for it.

No evidence had been placed before the Court that the match would not have been properly policed if it had not been for the presence of additional officers (see para. 57 *per* Lady Justice Smith).