

DOCUMENT CONTROL SHEET

Purpose of document:	To provide a transparent and consistent framework for Staffordshire Police to identify the basis for recovering costs or charging for its services.
Dissemination:	This policy will be available to the general public and will be published on the Staffordshire Commissioner website.
Implementation:	This policy will be implemented with effect from 1 st April 2018.
Review:	This document will be reviewed in 2021 unless there are significant changes in legislation or practice in which case it will be reviewed earlier.
Documents replaced or superseded by this document:	
This document supports:	NPCC National Policing Guidelines on Charging for Police Services 2018
Key related documents:	Fees, Charges and Allowances Handbook
Equality & Diversity:	An Equality Impact Assessment has been carried out
Financial Implications:	This document will impact on the ability of Staffordshire Police to recover its costs in policing special events.
Key word search	Police, events, charging, football,

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Policy Lead: Ralph Butler

1. Introduction and Background

- 1.1 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 and Crime Commissioner to recover the costs of this additional policing under the provision of 'Special Policing Services'. Ensuring that charges are levied effectively in these circumstances will protect the provision of policing services to the public and contribute to the overall funding of the service.
- 1.2 The ability to charge for police services is generally governed by statutory provisions. The aim of this policy is to achieve consistency wherever possible, to secure credibility and confidence in the charging process and to ensure that proper cost recovery across the service is not undermined. There is need for the police service to be able to identify the basis of recovering costs or charging for its services. There is also a need to ensure that this is both transparent and consistent.
- 1.3 National Police Chiefs' Council (NPCC) Finance Coordination Committee (FCC) has issued revised and simplified guidance on charging for police services which is aimed at giving clarity to the service and at the same time providing a basis for a more consistent outcome. While the main elements and issues contained within that document are identified below, this paper should be read in conjunction with the NPCC FCC guidelines when setting charges.
- 1.4 This document should also be read in conjunction with the Staffordshire Police Fees, Charges and Allowances Handbook.

2. NPCC FCC Guidelines on Charging for Policing Services

2.1 Cost Recovery

- 2.1.1 Under S25 of the Police Act 1996 (as amended), any person may make a request for special police services subject to payment of charges as determined by the PCC.
- 2.1.2 Special policing services are normally provided to an event, either singular (pop concert) or a series of events (policing football), and the NPCC FCC guidelines have established the principle of achieving a Full Economic Cost recovery of relevant costs for commercial events.

In addition to pay and on costs, the **FULL ECONOMIC COST** recovery calculation includes all properly attributable costs, including contributions to administrative and general overheads, e.g. uniforms, equipment, transport, insurance, training and communications infrastructure.

- 2.1.3 It is the Chief Constable's responsibility to determine the level of policing required for each event based on 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 toward the safety of the event concerned, form the basis of the required policing deployment. This does not include the provision of services which should properly be provided by other agencies, e.g. the management of road closures.
- 2.1.4 Events can also be sponsored or organised by local authorities and non-commercial organisations. These often take place either on Local Authority land or on the

highway. Here, Full Economic Cost may not be the most appropriate recovery basis and abatement can be used to address this issue. In line with the concept of risk assessment for policing events within the community, NPCC FCC guidelines define that in such circumstances, special policing services can be charged at Direct Cost. Small-scale events below a threshold level can be policed without charge. The criteria are explained at Appendix A.

DIRECT COST recovery is the cost of an officer including on costs and a standard overtime recovery element.

- 2.1.5 Where non-commercial event risks are rated as low and no specific attendance has been requested by the organiser, the Chief Constable should consider deploying officers as part of the visibility and public reassurance components of local policing. For small scale events, these decisions will be taken by the Tactical Planning Unit in consultation with Neighbourhood Policing Team Commanders. Policing of small scale events under these conditions should then be without charge.
- 2.1.6 Charges should be transparent and consistent, and a general principle has been established that the recovery of policing costs should be at no detriment to the local community. This increases the charge for policing to cover rest day overtime working in order to preserve duty time for core policing in the community.
- 2.1.7 The police service is now required to provide policing services to other agencies of Government (e.g. Prisons, Immigration etc.), which may cut across local priorities. This recognises a different requirement for cost recovery and advice is provided in these circumstances.
- 2.1.8 Unestablished events arranged via a private promoter, require 100% of the total cost to be paid in advance. Any amendments made to the cost at the time of the event will be charged/refunded within 30 days of the event taking place.
- 2.1.9 In the event of non-payment, the primary responsibility for cost recovery will rest with the Chief Constable.

2.2 Charging Policy – Key Principles

- 2.2.1 The NPCC National Policing Guidelines for Charging for Police Services sets out a number of key principles which should underpin local policy. This policy is based on these principles:
 - i) Charging policy should have regard to the requirements for stewardship of public funds;
 - ii) The policy should be set in the context of the overall funding position of the Office of the PCC;
 - iii) Charging policy should have regard to and reflect national guidance;
 - iv) Charging policy should have regard to the PCC's overall policing objectives;
 - v) 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;
 - vi) Any persons/bodies should not be able to profit at the expense of the police service;
 - vii) 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;
 - viii) The charging policy should be based on a robust and sound costing methodology;

- ix) The basis of cost calculations should be consistent so that significant variations in charges are explained by local circumstances rather than methodology differences;
- x) There should be a clear understanding of how the charging policy and costing methodology are to be applied by practitioners.

2.3 Staffordshire Cost Model

- 2.3.1 The force model uses either Full Economic Cost or Direct Cost for the charge out rates of police officers and staff based on calculations from NPCC FCC National Policing Guidelines on Charging for Police Services.
- 2.3.2 The model is based around averages by rank, as this provides more stability across years and between Forces. Public Holiday Rate has also been calculated.
- 2.3.3 Events will also be charged the actual cost Staffordshire Police has incurred for specific additional items such as hire of vehicles and equipment.
- 2.3.4 Appendix A sets out the definitions for the types of events the force may be asked to police and sets out the criteria used to determine appropriate charges.

2.4 Income Generation

- 2.4.1 These activities fall into two categories:-
 - i) Market Competitive goods/services where Police and Crime Commissioners set charges in relation to market forces by charging a market rate e.g. training, vehicle maintenance, etc.
 - ii) Market Non-Competitive activity is essentially a by-product of core police activity. Here, there should be consistent application of the rates that are set nationally and reviewed annually, e.g. accident reports etc.
- 2.4.2 Within the key principles set out above, there has to be a proper recognition of the cost of production of either the goods or service and should therefore be charged at Full Economic Cost.
- 2.4.3 Income generation is acceptable within the police service under Section 15 of the Police Reform and Social Responsibility Act 2011 which extends to Police and Crime Commissioners (PCC) 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.

2.5 Fees, Charges and Allowances Handbook

- 2.5.1 The Fees, Charges and Allowances Handbook is produced by Staffordshire Police as a separate document and covers the charges for statutory and non-statutory items. The book is updated yearly in line with NPCC FCC guidelines on charging for statutory items.

3. Adoption of the Guidelines

- 3.1 The application of the guidelines is to be applied in full.
- 3.2 The idea of police charging for services is now accepted in the public domain, but those who use the facility still do not appreciate the true cost of police support for events.
- 3.3 Illustrative examples of different types of events and how scores may be applied are summarised in NPCC FCC Guidelines on charging for Police Services.

4. Football Events

- 4.1 It is critical to successful cost recovery and to ensure a transparent and consistent approach across the Force that dialogue takes place between Staffordshire Police and the clubs and associations who request Special Police Services. Special Police Services need to be specifically requested by an event organiser. This dialogue must establish a contractual relationship where the following is clearly defined in writing and formally agreed:
 - 4.1.1 The rate at which Special Police Services are charged, set annually by the Commissioner defined in the NPCC FCC on charging for Police Services.
 - 4.1.2 The minimum and maximum number of hours that this will be charged for any event.
 - 4.1.3 The level of charge should an event be cancelled and where the police service has already incurred costs.
 - 4.1.4 The “Footprint” of the event must be established as this is the geographical area where Officers will be deployed under contract.
 - 4.1.5 For sporting events this Footprint and the level of resources may vary depending on the category of the game. A separate contract must be established for each scenario.
- 4.2 The Force has adopted the NPCC Football Charging policy and the following has been established as policy for Football Charging:
 - 4.2.1 Minimum number of hours deemed Full deployment (6 Hours)
 - 4.2.2 Minimum number of Hours deemed Partial deployment (3 Hours)
 - 4.2.3 An agreement of what counts as a partial deployment.
 - 4.2.4 Introduction of a common contractual document, based on the Football Forum template
 - 4.2.5 Introduction of a common Statement of Intent document (otherwise known as a Memorandum of Understanding)
- 4.3 The judgement on Leeds United vs. West Yorkshire Police (2014) and the appeal by Ipswich Town vs. Suffolk Constabulary (2017) concerned charging for Special Police Services (SPS) outside the land which is owned leased or directly controlled by the Club. The refusal of the appeal by the Supreme Court confirmed that charging for SPS outside the footprint owned, leased or directly controlled by the Club, is not permitted. This should make no difference to our football agreements as we have agreements that charge for footprint area special policing services only.

4.4 Public Holiday Rate

- 4.4.1 A special case must be made by small clubs where full charging would be detrimental to the club continuing to operate. The decision on this rests with the Chief Constable although there is a right of appeal to the Commissioner.

5. VIP Visits

- 5.1 The Staffordshire area is large and diverse, being home to a number of high profile venues which attract a high number of VIP visitors. VIP visits are rarely chargeable as the arrangements usually come under Government protection required, as in the case of visiting dignitaries or Royalty. Exceptions may arise where the event is chargeable and the normal rules of charging would apply.

6. Custody

- 6.1 The Immigration Service is charged with custody time and any other fees incurred by the Police for persons taken into custody for an offence e.g. shoplifting and then subsequently found to be wanted by immigration services.
- 6.2 Costs incurred on operations pre-planned by the Immigration Service should be recovered in full from the time the suspect enters custody.

7. Home Office Immigration Enforcement (HOIE, previously UKBA)

- 7.1 The NPCC Finance Coordination has concluded a Memorandum of Understanding with the Home Office Immigration Enforcement (HOIE), which provides a standard formula for each force to charge for detention of their immigration detainees. The proposed formula will follow a similar line to Special Police Services, where each force completes the formula with local data, to deliver an accurate force cost for service provision. Staffordshire Police has adopted this calculation formula to recover costs.

8. Financially Untenable Events

- 8.1 The Chief Constable (or a designated officer) is the decision maker on charging for all events.
- 8.2 The NPCC FCC guidance calls for recovery of at least a proportion of policing costs where events are commercial in nature. However, some events in this category produce only a marginal profit which may be small in relation to the policing costs.
- 8.3 It is proposed that each event be charged against its generic event type, as defined in the guidance however there will be a blurring of boundaries in certain instances. Any appeal by the organiser to reclassify their event, possibly obtaining a more favourable rate, will be considered by the Commissioner. Application of this policy and the charging decisions taken either in the first instance or on appeal will be examined by the Ethics, Transparency & Audit Panel twice a year.
- 8.4 The NPCC FCC guidelines recognise the concept of risk assessment for policing events within the community and Staffordshire Police follow a three level charging format; Statutory Event (No Charge), Non-Commercial Event (Direct Cost) or Commercial Event (Full Economic Cost Recovery) as defined in the NPCC FCC Guidelines. Small scale events

where there is value in maintaining a visible presence for community engagement and reassurance purposes can be policed without charge below a threshold.

APPENDIX A: Definitions of Event Types

Charges are only made where additional resources are required to police an event.

1. Commercial Events

These are 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.

Examples of events include; professional sporting events, music concerts, car boot sales, events on private property and events principally commercial in nature i.e. Air Shows. Events are charged at **Full Economic Cost Recovery** rates.

Any decision to depart from the general principle of charging full economic recovery rate for a commercial event should only be made on exceptional grounds and with the specific approval of the Police and Crime Commissioner on the basis of a full report on the relevant issues.

2. Non-Commercial Events

Charitable Events: Events where, although there is a financial gain, the surplus is for charitable distribution. These may be local charities, charity events and charitable shows wholly or substantially charitable in nature. Events are charged at **Direct Cost** rate.

Community: These events not for personal or corporate gain but are for community or local interest purposes or to raise funds for local community institutions. Examples include; Local Authority events, carnivals, religious parades, community fairs and celebrations. Events are charged at **Direct Cost** rate.

Not for Profit 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. Examples include amateur running and cycling races. Events are charged at **Direct Cost** rate.

3. 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. Examples include jubilee events and Remembrance Day parades. Policing of statutory events is part of core activity where a police presence is a public expectation and **no charges** should be made.

4. Small Scale Events

Police forces have a duty to police local communities. Where an event is assessed as requiring the equivalent of 12 police hours (however deployed) or lower, the Chief Constable should consider such deployments as part of the visibility and local reassurance components of local policing. For small scale events, these decisions will be taken by Neighbourhood Policing Team Commanders in consultation with the Tactical Planning Unit. Policing of small scale events under these conditions should then attract **no charge** but where the event is commercial in nature or the force is supplying services under market conditions then even small deployments can be charged at the discretion of the Chief Constable.

Equality Impact Assessment

Title of policy/procedure:	Charging for Police Services Policy
Department:	Strategy & Change
Date:	19 November 2018

1. Identify the aims and purpose of the policy
<p>The cost of policing is generally met through public funds for the benefit of the public at large. There are also 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 these circumstances will protect the public police provision and contribute to the overall funding of the service.</p> <p>The ability to charge for police services is generally governed by statutory provisions. The aim of this policy is to achieve consistency wherever possible, to secure credibility and confidence in the charging process and to ensure that proper cost recovery across the service is not undermined.</p>
2. Identify the individuals and organisations who are likely to have an interest in, or be affected by the policy.
<p>Staffordshire Police Staffordshire Commissioner's Office Football and other sports clubs, concert promoters, local authorities and other organisations and individuals seeking special policing services</p>

3. Data
Joint assessment by SCO and Staffordshire Police.
3.1 Age
No negative impacts were identified.
3.2 Disability
No negative impacts were identified.
3.3 Race
No negative impacts were identified.
3.4 Religion or Belief
No negative impacts were identified.
3.5 Sex
No negative impacts were identified.
3.6 Sexual Orientation
No negative impacts were identified.
3.7 Transgender
No negative impacts were identified.

4. Research
Policy closely reflects national guidelines developed over 18 month period and finalised in April 2018. No issues arising from that work.
4.1 Age
No negative impacts were identified.
4.2 Disability
No negative impacts were identified.
4.3 Race
No negative impacts were identified.
4.4 Religion or Belief
No negative impacts were identified.
4.5 Sex
No negative impacts were identified.
4.6 Sexual Orientation
No negative impacts were identified.
4.7 Transgender
No negative impacts were identified.

5. Consultation
Policy closely reflects national guidelines developed over 18 month period and finalised in April 2018. No issues arising from that work to justify a consultation process.
5.1 Age
No issues arising from that work to justify a consultation process.
5.2 Disability
No issues arising from that work to justify a consultation process.
5.3 Race
No issues arising from that work to justify a consultation process.
5.4 Religion or Belief
No issues arising from that work to justify a consultation process.
5.5 Sex
No issues arising from that work to justify a consultation process.
5.6 Sexual Orientation
No issues arising from that work to justify a consultation process.
5.7 Transgender
No issues arising from that work to justify a consultation process.

6. Conclusions No negative impacts were identified as a result of this policy.
6.1 Age No negative impacts were identified.
6.2 Disability No negative impacts were identified.
6.3 Race No negative impacts were identified.
6.4 Religion or Belief No negative impacts were identified.
6.5 Sex No negative impacts were identified.
6.6 Sexual Orientation No negative impacts were identified.
6.7 Transgender No negative impacts were identified.
7. Decisions No negative impacts were identified to justify a change to this policy.
8. Monitoring arrangements This policy closely reflects national guidance which is monitored by NPCC, e.g. for any changes in legislation. Any representation or issues arising from the implementation of this policy will be logged by the Staffordshire Commissioner's office and taken into account when reviewing it.

This equality impact assessment will be published on the Staffordshire Commissioner website.

EIA Form Dated
19/11/2019