

 WARWICKSHIRE POLICE		POLICY
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EQUALITY ANALYSIS	LOW
TIER	2

Warwickshire Police welcome comments and suggestions from the public and staff about the contents and implementation of this policy. Please e-mail policiesandprocedures@warwickshire.police.uk

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1.0 SCOPE

- 1.1 This policy covers charging for policing events, for example Football matches, and also the prices to be charged for goods and services. It also sets out a process for engagement with organisers and providers of events etc.
- 1.2 The ability to charge for police services is generally determined by statutory provisions. The charging policy covers four main areas as follows; (Appendix 1 explains the statutory provisions further):
- **Charging for Special Policing Services (SPS), events including football matches**
- The provision of SPS 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. SPS 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;
 - **Charges for Goods & Service** - 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, accommodation 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.**

2.0 POLICY OUTLINE

- 2.1 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 & Crime Commissioner (PCC) to recover the costs of this additional policing under the provision of "Special Police Services" (SPS) In other areas, there are opportunities for the service to provide goods and services which are relevant to their roles and skills. Meeting these demands on policing can have a significant cost implication, ensuring that charges are levied effectively and appropriately will protect police services and contribute to meeting the costs of policing.
- 2.2 Under the statutory responsibilities, for overall financial management, the PCC should approve in consultation with the Chief Constable a policy and process for charging and determine the scope of delegation to the Chief Constable. The Fees and Charges policy (charging policy) is set in the context of the PCC's overall funding position, the policing objectives and has regard for national guidance (National Policing Chief's Council document (NPCC) "Guidelines on Charging for Police Services") and case law. The Chief Constable is required to engage with the PCC in establishing the charging

policy and is responsible for implementation of the charging policy and the extent of delegations within the force. The Chief Constable is responsible for determining the policing required in discussion with the event organiser and in accordance with the circumstances of each event or request, this will usually lead to an agreement and basis of charging. The event organisers should speak to the force early on in the process; this will allow the force to assess and plan for the policing need and identify the charges likely to apply well in advance of the event.

- 2.3 The Chief Constable will decide, based on a risk assessment, whether they can support an event proceeding in the light of the services requested or in the absence of a clear request for services, (perhaps where agreement on the level of policing and charges cannot be reached). The Chief Constable will consult with the PCC about exceptional cases so as to assist the PCC reaching a decision on charging in these circumstances, this includes where there might be difficulty in recovering charges.
- 2.4 The PCC can request routine or ad-hoc reports on charging from the Chief Constable to monitor implementation of the Charging Policy; primarily this will be done through the budget monitoring reports. Income from fees and charges is subject to routine inspection by both internal audit and external auditors.
- 2.5 The following sets out the purpose of the policy and methodology for determining fees and charges for police services. The various appendices to this policy set out the procedure and issues to be determined when setting fees and charges.

3.0 PURPOSE OF THE POLICY

- 3.1 The aim of this policy and guidance is to establish a clear understanding amongst practitioners of how to apply the charging policy and methodology. Adherence to the charging policy and consistent application of the charging methodology will ensure charges are raised in line with the requirements of the PCC and Chief Constable and due regard has been given to the stewardship of public funds. It also protects against challenge from event organisers who operate across the country or compare the policies and practises of different forces.

The charging policy will be helpful to all parties and ensure:

- a **consistent** and **transparent** methodology is used across the service to determine charges, which will in turn secure confidence and creditability in the charging process and ensure proper cost recovery is not undermined.
- costs are met by the person/body responsible for the purpose for which the service is being delivered (**accountability**) and that private persons/bodies should not profit at the expenses of the police service.
- that police officers and police staff 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.
- The provision of Mutual Aid to other forces.

4.0 THE PROVISION OF SPECIAL POLICING SERVICES (Policing of events)

4.1 There are a proportion of direct policing services that can be charged for in relation to events and consideration should be given to all instances where it might be appropriate to charge for the provision of police services referred to as Special Policing Services (SPS). These can be single events e.g. agricultural show or pop concert, or a number of linked events for example sporting fixtures e.g. rugby or football matches. It is important that all events are costed on a full economic cost basis; however these costs may be abated.

- **Appendix 3** provides a fuller explanation of the issues to consider when determining charges for SPS and
- **Appendix 4** deals with the additional considerations when charging for football matches.
- **Appendix 5** Sets out the rates to be charged for SPS, as advised by the NPCC. It also contains the application form to be used when requesting special policing services, which will form the basis of all agreements for SPS. The application should be signed by the person or appropriate representative of the body making the application and approved by a Superintendent.
- **Appendix 7** Contains the latest guidance issued by NPCC in February 2019 regarding charging SPS at events (both football and non-football).

4.2 It is a requirement that Finance Officers will be informed of all events and circumstances where charges will be made, Finance Officers will provide assistance with costing special policing services and raising invoices to event organisers. A record should be kept of all charges and exceptions, where full economic cost is not charged and an abatement is applied. This will provide a transparent record of decisions, which in turn provides an audit trail and supports public accountability.

5.0 PROVISION OF GOODS AND SERVICES TO THIRD PARTIES

5.1 Whilst the statutory basis for charging for goods and services has been strengthened by the application to PCCs, as best value local policing bodies, of Section 93 of the Local Government Act 2003, 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 or hamper the achievement of other policing objectives for example through diverting of resources that could be used to better effect. 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.

5.2 Other services which support the police service itself have a market-competitive dimension. These include for example training (including conferences) and accommodation. 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 should be levied up to the full economic cost in order to contribute towards overheads. It is important that consistent charges are levied for training courses and accommodation and that a cancellation fee is charged where appropriate in recognition of the administration costs incurred. Training courses should be costed using the methodology set out at Appendix 2 in the same way as for other policing services.

- 5.3 There are instances when goods and services will not be charged for. These include 'Supply Push' disclosures made under the Common Law Police disclosure (CLPD) provisions that have superseded the Notifiable Occupation Scheme, the statutory. However, a 'Demand Pull' request(s) for information by an employer etc. either in response to an initial disclosure made under CLDP, or as a result of information received from other sources (e.g. self declaration), must be made under a statutory authority rather than common law and will attract a charge in accordance with the rates and methodology set out in this policy / guidance. Areas also not subject to charges are; provision of collision reports to the Motor Insurance Bureau or Responsible Authorities due to the requirement within the Crime and Disorder Act 1998 for partners to work together to combat anti-social behaviour. It should be noted that if an emergency disclosure is required by a regulatory body/authority due to immediate risk to children or vulnerable adults, this would be performed urgently at no cost.
- 5.4 The majority of fees for the common items should be listed at appendix 6. Appropriate advice should be obtained when determining at a new charge for an item not listed at appendix 6. Strategic Business Managers and Finance Officers will be able to assist with calculating charges and obtaining advice on issues such as VAT from the force VAT expert. All charges should as a minimum recover all direct costs of producing the goods, including set up costs, and where market conditions allow should recover the full economic cost. All activities should support the alliance vision and values, represent value for money and the benefits should outweigh the costs of producing the goods. Appropriate documentation should be retained for audit purposes to demonstrate how fees have been arrived at, this should include justification of any reduction in the charge.

6.0 CHARGING FOR SERVICES TO GOVERNMENT AGENCIES

- 6.1 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.
- 6.2 The purpose of particular activity may support the responsibilities of a separate government agency and may also secure benefits towards the forces objectives. This should be considered when deciding what to charge for. Recovery of costs should be based on direct employment and other specific costs incurred.
- 6.3 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 and wider policing and partner agency considerations.

- 6.4 Where an arrangement is for the provision of services over an extended period it may be appropriate to determine the cost or rate on projections of the entire activity and in advance of the activity starting.
- 6.5 NPCC and the Home Office Immigration Enforcement (HOIE) agreed a common, justifiable and transparent framework for charging for custody detentions. Warwickshire Police have had the basis for charging under these guidelines agreed by the Home Office. All applications for charging for detainees should be made through the Finance Officer (Operational Support) who will raise invoices and act as the single point of contact with the HOIE.
- 6.6 Finance Business Partners and Finance Officers will be able to assist with calculating cost of services provided to government agencies and ensure appropriate advice on issues such as VAT is obtained from the force VAT expert. Note, VAT issues may be complex in this area. Appropriate documentation should be retained for audit purposes to demonstrate how fees have been calculated..

7.0 PROVISION OF MUTUAL AID TO OTHER FORCES

- 7.1 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, extraordinary to the normal policing arrangements. 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 by the National Police Chief's Council (NPCC), this document should be adhered to when charging for Mutual Aid.
- 7.2 Revisions to the Mutual Aid 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.

8.0 DOCUMENT HISTORY

Date	Author / Reviewer	Amendment(s) & Rationale	Date of Approval / Adoption
March 2024	Mike Kaine	Updated from previous alliance policy no. A188	Dec 2024

9.0 CONSULTATION

Head of Dep't/ Chief Officer Consulted	Date Communication Sent
Jeff Carruthers, Director of Finance	

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Andy Oliver, Head of Financial Planning and Business Management	February 2024
Sophie James, Senior Finance Officer	February 2024

- 9.1 A summary of the extent of any consultation should be included here and should include details of bespoke interested groups, both internal and external, which have been involved in the development and/or consultation in respect of this policy e.g. with JNCC, Independent Advisory Group and relevant Business Areas.

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:

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 SPS

Police Act 1996 - Section 25 Special Policing Services

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

25 Provision of Special Services.

(1) The chief officer of police of a police force may provide, at the request of any person, SPS 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.

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

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.

Police Act 1996 – Section 93 Acceptance of gifts and loans

This provides the ability of a force to receive gifts of money and gifts or loans of other property. (Forces should take great care in undertaking 'due diligence' in reviewing the source of any such gift or loan and any taxation liabilities thus created.)

93 Acceptance of gifts and loans.

(1) A local policing body may, in connection with the discharge of any of its functions, accept gifts of money, and gifts or loans of other property, on such terms as appear to the authority to be appropriate.

(2) The terms on which gifts or loans are accepted under subsection (1) may include terms providing for the commercial sponsorship of any activity of the local policing body or of the police force maintained by it.

Charging for Events and Abatements

By default, charging for events is always at Full Economic Cost Recovery (see Appendix 4 for national rates). For some events, Forces may decide to make reductions, based upon the type of event which may reflect a charitable or community benefit. It is recommended that where a decision is taken not to charge the full economic cost, a record is made of the reasons why the abatement has been applied. This will assist in the case of a subsequent challenge and will ensure that it does not undermine those events that are rightfully charged on the basis of full economic cost recovery.

For Statutory events, such as Remembrance Day parades, Jubilee or constitutional events, police attendance is often part of the normal police annual duties and Not Chargeable.

For non-commercial events, such as local authority community events, religious parades and wholly charitable events, forces often charge the Direct Cost (see Appendix 5 for national rates) of policing the event (Employee Cost + Overtime Premium).

Some forces have historically applied an abatement formula, to guide senior officers as to a 'sliding scale' percentage abatement. It is recommended that forces adopt the simpler approach of applying one of the following three categories to all events:

- 1. Full Economic Cost** – default position for special policing services.
- 2. Total Direct Cost** - non-commercial events, such as local authority community events, religious parades and wholly charitable events.
- 3. Not Chargeable** – statutory or constitutional events.

This makes any charging assessment simpler, more transparent and more easily understood by both customers and forces.

THE PROVISION OF SPECIAL POLICING SERVICES (Policing of events)

Well established event organisers will hold regular events and will be familiar with charging arrangements. Other promoters will be less familiar and early engagement with them is recommended. Organisations that stage events are not confined to commercial concerns; they might include charities and local authorities. It should be noted that the designation of an event being charitable does not negate the charging of legitimate operating costs.

There are a range of events of different scale to consider. 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, to be visible and provide public reassurance. However, this can be quite different from policing a large event or an event over a number of days.

The definition of SPS 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. **Appendix 7 sets out the latest guidance issued by NPCC in February 2019 regarding charging SPS at events (both football and non-football).**

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 concerns. SPS are 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.

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.

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 SPS. 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 so as to avoid ambiguity.

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.

There must be agreement between the event organiser and the police of the need for SPS, which must be requested by the event organiser and accepted by the police. It should be noted that case law has established that the PCC cannot charge for SPS in the absence of an agreement between the event organiser and the police for the need for SPS. The circumstances in which there might be an implied request for SPS are severely limited and legal advice should be sought before relying on an implied request for SPS when making charges.

Case law has further established that the agreement needs to be reached with the event organiser on the size and scale of the policing to be provided. The tactics in respect of policing deployments in support of an event are a matter for the Chief Constable. However, there is a requirement for a meaningful discussion on the availability of valid alternative provision that may influence the size and scale of SPS that will be provided and subsequently the cost. The provision of stewards or use of safety equipment may reduce the need for police deployment. It might be that other alternatives exist to mitigate the crime and disorder element of an event as well as the overriding safety considerations. The key issue is to ensure that an organiser or promoter is made properly aware of the nature and options that may exist in the circumstances of an event so that a transparent and mutually understood request for SPS can be made.

The written agreement will form the basis for subsequent charges. However, this does not preclude changes to the agreement, if for example deployment requirements change, provided this is by mutual agreement. Only by having this understanding up front can subsequent changes and the implications of these changes be properly understood and a cost determined.

Therefore, in normal circumstances 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.**

The risk assessment will normally consider core policing responsibilities:

- crime and disorder and public safety issues
- the requirement to prevent or stop breaches of the peace
- the ability of the force to provide a suitable police response in line with their duty to the general public and contingency arrangements where there is an immediate threat to life
- the ongoing ability to provide appropriate policing to the remainder of the force area
- traffic regulation within legal powers provided by statute, Road Closure Order (TPCA 1847) or a Traffic Regulation Order (RTRA 1984) (this 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 SPS.

By expanding the risk assessment to include and consider the following issues, including those referred to earlier, it can be used to determine the deployment of police resources required at an event. This approach can be used for a range of events. Often the history of an event will also have a bearing on the level of policing:

- the nature of the location or locality for the event;
- the nature of the boundary to the location, together with access and egress for the anticipated attendees;
- the size and nature of the event – performers, time including time of day;
- the nature of the trading activity including alcohol sales etc;
- an assessment of the number / nature of the attendees;
- the history of the event in question and recent events of a similar nature;
- updated intelligence regarding risk and threat to the performers, venue or attendees;
- mitigating factors such as bought in security, physical controls, CCTV etc.

When taken with the event promoter's responsibilities towards the safety of the event concerned, together these form the basis of the required policing deployment and the contractual arrangement between the force and the event organiser. It might be that the provision of SPS is required to support either a safety certificate or licence, however this is not always the case. It should be noted that the absence of a requirement for a safety certificate or licence does not necessarily mean charges should not be made.

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.

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 should ensure that 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 policy needs to distinguish between different categories of event, in particular:

- Commercial events, intended to generate private profit and involve an entrance fee;
- Non-commercial events, i.e. charitable (registered charities) or community events;
- Statutory events reflecting constitutional rights or processes.

Policing an event will involve mainly police officer time, however it can include other items including; vehicles, consumables, specialist equipment and support functions. All commercial events will be charged on the basis of full economic cost. Any departure from this principle should only be made on exceptional grounds and with the specific approval of the PCC.

The concept of a commercial activity is not straightforward. Generally commercial activities will be characterised by securing of a site, albeit private land or public land that which is secured by the event promoter and payment is made for entry to the event e.g. a fun fair. Commercial activity will also be identifiable by the existence of a promoter or equivalent. Whilst say an agricultural show will encapsulate community based events it might be of a significant size and have a large number of fee paying visitors, it might also host a range of trading concessions or exhibitors that have paid to be on site. The organiser of a commercial event should be charged the full economic cost of the SPS provided.

It is appropriate to consider abating charges for non-commercial events. It should be recognised that core service provides for a level of policing, within and for, communities and that small scale events can be policed with a relatively low input that may represent a public reassurance role within the overall framework of the risk assessment. Further to this 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. These factors should be taken into account in considering the policing of community events and in exercising discretion on who should be charged and under what circumstances.

Charitable events may generally be viewed favourably; however some major events may require substantial policing and can generate large sums albeit for charitable distribution. Therefore, 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, whether it is appropriate to support charitable purposes in this way, in the specific circumstances relevant at the time should be considered carefully. The charitable status of the organisation and whether the charity is undertaking this event in a manner consistent to meeting the aims of its charitable mission as set out in its registration requirements should be considered alongside the community benefit when abating charges.

Some non-commercial events do not fit charitable status but are for the benefit for the community. These are often run on a voluntary basis and may generate income but only to cover costs, for example amateur cycling or running events. It is appropriate to recognise that these are substantially different to commercial events when determining any reduction (abatement) in the charges.

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Policing of statutory events, where there is no financial gain and which reflect constitutional rights or a cause of royal, national or defined public interest is part of core activity and no charges should be made.

Charging for Football

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 SPS are the same as those for commercial events, but have been sharpened by case law (GMP vs. Wigan AFC 2007 and 2008).

The provision of policing for football matches reflects both operational policing requirements and SPS provided at the request of the club.

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

Formal agreement between the club and the force which includes a request for service;

- A common clear understanding of the chargeable amount that relates to the immediate locality i.e. “the footprint”;
- Clear and transparent policing deployment both at the ‘footprint’ and away from that locality;
- Agreed rates for police charges for different categories of matches.

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.

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.

- 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:
 - Parading at a station;
 - Briefing and equipment allocation;
 - Transport to locality;
 - Policing “Phases 1 to 3” – a period before, during and after the match;
 - Debrief;
 - Transport to home station.

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.

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.

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It is good practice to share such assessments with clubs as part of identifying the basis for any request for service.

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.

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.

Further advice is given in more detail in a separate document, 'Guidance for Football Deployment and Cost Recovery' and Appendix 7 sets out the latest caselaw regarding charging SPS at events (both football and non-football).

Appendix 5

National SPS Rates

Special Policing Services 2023/24 - Tables of Rates by Rank and Region

Rates calculated at Full Economic Cost recovery and should be used for all charging of special policing services provided at **commercial / sporting events**.

The latest rates, as set out by the NPCC, can be found on the Finance Intranet page, Finance > Financial Planning & Business Management > Budgets and Finance Guidance > NPCC Guidelines

[Intelligent Intranet \(warwickshirepolice.uk\)](https://warwickshirepolice.uk)


APPLICATION FOR SERVICES OF POLICE OFFICER(S) FOR SPECIAL DUTY

Register No:.....

This application should be completed, signed and forwarded to the Superintendent Force Operations at least 14 days before the date on which the officers are required.

1. Occasion/Event										
2. Location										
3. Police Officers, PCSOs, Police Staff and Specials Required										
(a) Date	(b) Period Required		(c) Number of Hours	(d) Number of Officers, PCSOs and Specials Required (at rate per hour)						(e) Cost
	From AM/PM	To AM/PM		C/Insp @	Insp @	Sgt @	Const @	PCSO Police Staff @	Specials @	
									Sub Total = VAT @	
4. Other Costs										
Resource	Description / Details						Quantity	Cost per unit		
Vehicles										
Specialist Equipment										
* Other										
* Other										
* Other										
* Other										
* Other										
* Other										
									Sub Total = VAT @	
									TOTAL	

* Other items please list.

CHARGES AND PAYMENT

The period for which charges are made is calculated from the hour the officer leaves his/her station until the hour of return. Charges therefore maybe for periods longer than those requested in 3 (c) above. A minimum charge of three hours will be applied. The scale of charges approved by the Police and Crime Commissioners are given at 3 (d) above.

Travelling expenses, Refreshment/Subsistence and Lodging Allowances will be charged when necessary in accordance with the provisions of the Police Regulations.

An invoice will be issued after the event for immediate settlement. However, the Superintendent Force Operations reserves the right to request payment in advance.

I apply for the services of police officers for Special Duty as detailed subject to the terms and conditions set out overleaf. I agree to pay the charges as described above.

Signed

Print Name

Company Name

Position/Occupation

Invoice Address

Contact no

Invoice/Ref No

Date

The Police Officers while on Special Duty will act exclusively under the directions given to them by their Supervisory Officers, to whom the wishes of the Applicant should be made known, and must on no account be employed in the sale of tickets of admission, or in any way with the receipt or payment of money.

Application Approved

Superintendent Force Operations

Print Name

Date

TERMS AND CONDITIONS FOR THE SUPPLY OF SPECIAL DUTY POLICE SERVICES UNDER SECTION 25 POLICE ACT 1996

I,.....duly authorised by and acting on behalf of
..... hereby agree to the provision of Special Police Services at
.....

Provided by the Chief Constable of Warwickshire Police upon the following terms and conditions.

1. That the Chief Constable of Warwickshire Police will provide to the organisation Special Police Services under Section 25 of the Police Act 1996.
2. The organisation will pay the charges as determined by the Warwickshire Police and Crime Commissioner (PCC) which will, until further notice, be at the rate per hour per rank, in accordance with the scale of fees applicable at the time.
3. The provision of special Police Services are subject to a minimum charge of three hours per officer and that charge made under section 25 by the PCC will be imposed in respect of the full time spent by each officer in providing the Service, such time charge to include where appropriate:-
 - (i) travelling to the police area where the event takes place;
 - (ii) briefing instructions;
 - (iii) crowd control;
 - (iv) policing the event and crowd dispersal;

OFFICIAL

- (v) de-briefing;
 - (vi) travel to home policing area
-
4. The number, rank and specialist skills of officers supplied to police the event will be determined appropriate by the Chief Constable (or his/her authorised representative) and with regard to the provisions of Health and Safety in respect of the venue.
 5. Payment by the organisers will be made within thirty days of the date of the invoice. If payment is not made within 28 days of the date, the PCC will charge interest at the rate of 3% above the lending rate of the PCC's Bankers from the date of the invoice until the settlement date. The PCC reserves the right to commence proceedings for the recovery of the debt outstanding including unpaid interest after the end of the 28 day period for payment.
 6. The organisers will be liable to pay a cancellation charge unless at least eight days notice is given to the police that the Special Police Services are no longer required. The cancellation charge will equal the charge for three hours duty time in respect of each officer.
 7. Officers deployed to carry out Special Police Services shall not be available to respond to any other policing demands.
 8. The event organisers are solely responsible for public safety at the event and they should take appropriate steps to ensure public safety and compliance with any Safety Certificate required for the venue.
 9. The organisers and the Chief Constable agree for the supply of Special Police Services to the event on the date and time in accordance with this document.

Charge Rates for Common Items

NPCC Recommended Minimum Rates & Mutual Aid National Charge Rates

The latest rates, as specified by the NPCC, can be found on the Finance Intranet page, Finance > Financial Planning & Business Management > Budgets and Finance Guidance > NPCC Guidelines

[Intelligent Intranet \(warwickshirepolice.uk\)](http://warwickshirepolice.uk)

Appendix 7

Case law offers helpful material and the key cases are listed below:

- Glasbrook Brothers Limited v Glamorgan County Council [1925] AC 270.
- Reading Festival Ltd v West Yorkshire Police Authority 2006 [2006] EWCA Civ 524
- Harris v Sheffield United Football Club Ltd [1988] 1QB 77.
- Chief Constable of Greater Manchester Police vs. Wigan Athletic AFC LTD [2007] EWHC 3095 (Ch)
- Chief Constable of Greater Manchester v Wigan Athletic AFC LTD [2008] EWCA Civ 1449
- Leeds United Football Club Ltd v Chief Constable of West Yorkshire Police [2012] EWHC 2113 (QB)
- Leeds United Football Club Ltd v Chief Constable of West Yorkshire Police [2014] EWHC 2738 (QB)
- Ipswich Town Football Club Company Limited v The Chief Constable of Suffolk Constabulary [2016] EWHC 1682 (QB)
- Ipswich Town Football Club Company Limited v The Chief Constable of Suffolk Constabulary [2017] EWCA Civ 1484; [2017] 4 WLR 195