

## **SYP CHARGING POLICY IN RELATION TO POLICING EVENTS**

### **1 Policy Statement**

#### 1.1 Section 25 of the Police Act 1996 contains a provision that:-

"The Chief Officer of Police of any 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 Police and Crime Commissioner (PCC) of charges on such scales as may be determined by that authority."

A request from an Organiser, promoter etc. (Initiator) of an event for the police to exercise its power under Section 25 must be made and subsequently met in order for a charge for services rendered to be made.

- 1.2 There is a continuing need for the police service to be able to identify the basis of recovering costs or charging for its services. There is a need to ensure that this is both transparent and consistent. This policy has been drafted in accordance with the latest Association of Chief Police Officers (ACPO) & the Association of Police and Crime Commissioners (APCCs) Guidelines on Charging for Police Services published in July, 2013. It is designed both to inform those who may request police services and to enable the Force's Operational Support Services (OSS) department to determine policing and charging arrangements consistent with a policy framework as laid down by the Police and Crime Commissioner (PCC) for South Yorkshire.
- 1.3 The policy is aimed at standardising the South Yorkshire Police's approach to the provision of 'special police services', all organised events staged in a public place and on all public highways.

### **2. Introduction**

- 2.1 Consistent with the ACPO & APCCs Guidelines on Charging for Police Services it is the PCC's policy to charge organisers of events **in full** for all additional services provided outside of core policing. However, where appropriate, the charge may be reduced or abated. There may be some circumstances where it would be inappropriate to make full cost recovery, in these exceptional circumstances the PCC can consider full or partial abatement of charges.
- 2.2 Within SYP's policy – outlined below - a number of key principles drawn from Association of Chief Police Officers ( ACPO ) & the Association of Police and Crime Commissioners ( APCCs) Guidelines on Charging for Police Services published in July, 2013 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 PCC.

- Charging policy should have regard to and reflect national guidance
- Charging policy should have regard to the PCC's overall policy objectives
- Charging policy should reflect proper accountability and ensure that costs are met by the body responsible for the purposes 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 to practitioners.

2.3 This policy applies to the provision of all special services.

2.4 Charges will be reviewed annually in line with the costing methodology detailed in the July 2013 Association of Chief Police Officers (ACPO) & the Association of Police and Crime Commissioners (APCCs) Guidelines on Charging for Police Services.

2.5 Where the application for disclosure falls within the Data Protection Act; Human Rights Act; Freedom of Information Act or under some other legislative requirement or guidance (Home Office Circulars, etc.) then the level of charge, if any, will be in compliance with the relevant legislation or guidance and force policy.

2.6 If there is any doubt whether a charge should be levied then advice will be sought from the Head of the Operational and Contingency Planning Unit. The final decision will rest with the PCC.

### **3 Charges for policing events - General**

3.1 Organisers of major public events should be encouraged to liaise with Safety Advisory Groups (SAG) during the planning phase of any proposed event. The general role of the SAG is to assess the safety aspects of the organisers plans and then make recommendations to the LA in respect of licensing etc. It can advise the organisers but is not responsible for any actions relating to their plans.

- 3.2 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 direct policing, vehicles, consumables, specialist equipment and support functions as part of the service provision. All of these can, and should if relevant, be included as part of the service charge.
- 3.3 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. There is a methodology to allow for this and a “de minimis” level has been agreed so that police input below the threshold or lower is not chargeable except where the event is Commercial. ( see section 5.5)
- 3.4 A second general principle has also been 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, with some degree of certainty as to the level of charge that will apply.
- 3.5 The general costing principle that will be applied is a **full economic cost recovery** model. Full Economic Cost Recovery is defined by ACPO as: ‘This calculation includes all properly attributable costs, including contributions to administrative and general overheads
- 3.6 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 requiring payment for entry to the event. This is generally identified by the existence of a promoter. Clear examples of this are the pop festivals and sporting matches. (For the sports matches the “promoter” can be seen to be the professional club involved).

#### **4 Football charging;**

- 4.1 Charging for policing football matches (section 25 Police Act 1996)
- 4.2 Football matches can be seen as a series of planned events. In this circumstance the promoter is the Chief Executive of the football club. The general principles for the basis of providing the special police service are the same as those for commercial events (see 5.3 below) but have been sharpened by recent case law.
- 4.3 The provision of policing for football matches reflects both operational policing requirements and special police services provided at the request of the club.
- 4.4 The key criteria for the provision of special police service to clubs include:

- A formal agreement between the club and the force which includes a request for special police service;
  - A common clear understanding of the chargeable amount that relates to the 'the footprint', the area owner , occupied or controlled by the event organiser.
  - Clear and transparent policing deployment both at the 'footprint' and away from the locality;
  - Agreed rates for police charges for different categories of matches.
- 4.5 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 special police service.
- 4.6 The policing provision depends upon a number of roles, some of which are determined as core policing for the purpose of the match. These can be supplemented by further partial deployments and/or specialist roles.
- 4.7 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 police 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 police station.
- 4.8 Some of the operational policing resources 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.
- 4.9 Nationally the policing requirement for football matches is set by categories that reflect the assessment of the risk and the 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.
- 4.10 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.

- 4.11 Occasionally, mutual aid from other forces is requested to police certain matches, as allowed for under Section 24 of the 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.
- 4.12 Further advice is given in more detail in a separate ACPO document, 'Guidance for Football Deployment and Cost Recovery'.

## **5. Policing events charging;**

### **5.1 Section 25 Police Act 1996 - Charging for policing events**

5.1.1 Section 25 of the Police Act 1996 applies to the policing of events. The Chief Constable is responsible for agreeing the 'special services' to be provided whereas the PCC is responsible for determining the charges to be made.

5.1.2 A police force has a responsibility to assess the safety requirements of an event in liaison with all partner agencies. 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.

5.1.3 However, safety is only part of the role. There is normally an important secondary element of assessing 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 SYP of the need for special police services, which must be requested by the event organiser and accepted by SYP. 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.

5.1.4 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 with oversight of a Safety Advisory Group, if required.

5.1.5 With these two primary roles for policing an event, then, based on an adequate risk assessment, the level of police resource can be determined. This will normally be achieved by direct communication with the event organiser, but may also be undertaken through a Safety Advisory Group, if required.

- 5.1.6 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 criterion for this is set out later.
- 5.1.7 Policing an event involves providing special policing services to an event organiser. Although, predominantly, this involves police officer/staff time, it can also require other elements of a specialist nature, including, vehicles, consumables, specialist equipment, support functions, etc as part of the service provision.
- 5.1.8 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. This methodology allows for this and provides some discretion on who should be charged, and under what circumstances. In cases where these circumstances may apply, OPU staff will score the event directed by the ACPO and APCCs Guidelines on Charging for Police Services and refer to the PCC for decision.
- 5.1.9 A general principle can be established. Charges for policing services should be made to the event organiser who should then be able to take these into account when planning an event. Event organisers should consult with SYP early in the planning process. SYP can then assess the policing needs of the event so the level of resources and likely charges that will apply can be identified well in advance of the event.
- 5.1.10 Case Law clarified that a Police Authority (now the 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. Case Law 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. Staff will therefore secure a clear basis of understanding as to the services that are to be provided for any event. Therefore two key elements for the provision of SPS must be present – an understanding, and a request.
- 5.1.11 Case Law also identifies 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 the Chief Constable. 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 be provided.
- 5.1.12 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 for 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 the Chief Constable to consider. This can be delegated and for SYP this delegation sits with the Head of the Operational Planning and Contingency Unit within Operational Support Services. 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 of the options that might exist in the circumstances of an event so that transparent and mutually understood requests for special police services can be made.

5.1.13 Staff will, therefore, ensure a written agreement and statement of intent is drawn up when planning the policing of events with event organisers. The provision of the SPS Request/agreement document is the responsibility of OCPG in consultation with Legal Services. This in turn will form the basis of subsequent charges, subject to the possibility that deployment requirements might be changed by mutual agreement.

5.1.14 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. Under such circumstances the event must be reviewed in the light of a clear community based risk assessment together with other statutory partners. Ideally, this process will take place under the auspices of the SAG to ensure a full and objective review.

5.1.15 The police judgement must review the ability of the force to provide suitable police response in line with the duty to the general public and contingency arrangements, including the ongoing ability to provide appropriate policing to the remainder of South Yorkshire. This will determine whether the force (and in significant events the office of the PCC), can support the event taking place.

5.1.16 There is 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.

5.1.17 Assessment of the need for police attendance and action at public events will be principally based on the need to discharge core responsibilities which legal advice indicates are:

- Prevention and detection of crime;

- Preventing or stopping breaches of the peace;
- Activation of a contingency plan where there is 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.
- 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

5.1.18 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.

5.1.19 An objection to the Operating Schedule can be made by SYP and where such an objection is made it will be supported by a senior officer in consultation with the Licensing Unit. Staff will establish and maintain strong and effective relationships with licensing authorities and safety bodies so that the force's views are fully taken in to account in licensing decisions.

5.1.20 Where the event is at a single location e.g. concert, festival, etc., or not the service should be based on the concept of servicing the additional policing required – over and above that which would have normally have 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, but also specialist support, consumables and support costs involved in providing the service will be recovered.

5.1.21 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 purpose 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 the Force as part of the agreement. The use of a map marked with the identified and agreed locality of the event is recommended especially where the locality is on public land. This map should then be included within the contract.

5.1.22 The locality should be defined to encompass the need to properly protect or benefit the people 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 protesters who protest outside of 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/staff for other duties associated with the event.

5.1.23 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.

5.1.24 The policing of all events will be costed on a full economic cost basis in accordance with this policy whether a charge is made or not. This will form the basis of the charge in some cases 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.

5.2 In determining a charging policy it is, consistent with the ACPO / APCC guidance considered essential 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 or where stall holders pay a fee to be able to sell at the event, or provide fair ground rides etc.

ii) Non Commercial Events

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

b) Community Events are 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 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 the participants and spectators.

iii) Statutory Events

a) 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.

b) The policing of statutory events is generally regarded as part of core policing which is not chargeable. In certain circumstances PCCs may receive specific funding from Government but statutory events are excluded from charging.

5.3 Commercial Events

5.3.1 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 - but not exclusively - 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 events, but can also include sponsored or organised town centre events with a non Responsible Authority Event Organiser.

5.3.2 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 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.

- 5.3.3 The OCPG will consider the characteristics of each event in deciding if an event should be regarded as commercial, (determined by the ACPO and APCCs Guidelines on Charging for Police Services matrix).and refer to the PCC . An example might be a county show ground hosting an event that attracts fee-paying visitors generating a significant income, coupled with exhibitors paying for the opportunity to promote their products and services. This would be operated by either a company or the ‘trading arm’ of the relevant charity operating the show ground. 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 being levied in the future.
- 5.3.4 The principle to be applied 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. Commercial event organisers will often be involved in events in different parts of the country and they will inevitably compare the practices of different forces.
- 5.3.5 Commercial events will attract the charges at the Full Economic Cost rate as shown in this policy whether or not they are a ‘small scale event’ (please see below).

#### 5.4 Non Commercial Events

- 5.4.1 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 the broader policing objectives and it is appropriate to take this in to account, together with other considerations, when determining a charging policy for special police services provided to community events.
- 5.4.2 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 to 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.

- 5.4.3 Some non-commercial events do not fit in to 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 important to recognise these events are different in nature to commercial, profit making events when determining whether to charge for special police services or not.
- 5.4.4 Where the application of the guidelines set out within this document results in a proposed abatement of charges in respect of events fitting the description outlined at 5.4.3 above, such abatements may, subject to a maximum abatement of £3000, be granted by the Force's Director of Finance, without reference to the PCC.
- 5.4.5 Charging for large-scale, commercial funfairs has been discussed previously in this policy. Where a small funfair is operated as apart of a community event, then the event as a whole needs to be considered in the context of community policing in its broadest context. Whether charges should be made for such funfairs should be assessed on an individual basis.
- 5.4.6 The office of the PCC has instructed the full cost of providing special police services will not be abated for commercial events unless 'Exceptional Circumstances' apply.
- 5.4.7 Exceptional Circumstances are defined as: "Where an event is assessed as requiring significant policing resources and/or is a high profile event attracting or likely to attract considerable public interest".
- 5.4.8 Where it is believed 'Exceptional Circumstances' apply, the Head of OCPG will review the circumstances in conjunction with Legal Services, then the matter will be referred to the Chief Constable by the Head of OSS with recommendations and reasons as to whether or not a charge should be made. The Chief Constable will consult with the PCC to determine if a Charge will be made and, if to be made, the level of abatement to full economic cost, if any, to be applied.
- 5.4.9 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 process is detailed in Appendix A "SYP Event Charging Policy Procedural instructions.

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

5.4.10 The assessment will be completed by OPU and forwarded to the PCC for decision.

5.4.11 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, unless 5.4.4 above applies.

5.5 Small Scale Events and “de minimis” charging considerations.

SYP policy Charging for Police Services defines these as: ‘Where an event is assessed as requiring the equivalent of 8 police hours (however deployed) or lower’. Guidance indicates that Police Forces remain with a duty to police local communities. Where deployment to such events is made as part of the visibility and local reassurance component of local policing then such small scale events should attract no charge. However, where attendance at such

events is to fulfil provision of specific duties, then even small deployments can be charged at the discretion of the PCC.

## 5.6 Statutory Events

5.6.1 SYP will not charge for policing Statutory Events.

## 6 Calculation of charges – special police services

6.1 The Corporate Finance Dept have provided a template, using national guidelines, (see below) which charges by rank of officer and band for police staff. These have been agreed by the PCC. Staff should liaise with OCPG to establish the application of these charges for policing events.

6.2 The following charges for police officers and police staff are applicable effective from 1<sup>st</sup> September, 2012

### 6.3 Police Officers

RANK	RATE	PUBLIC HOLIDAY
Superintendent	£90.05	
Chief Inspector	£72.91	
Inspector	£69.74	
Sergeant	£69.22	£108.14
Constable	£58.17	£90.14
Special Police Constables		

### 6.4 Police staff

GRADE	RATE	PUBLIC HOLIDAY	SUNDAY
PCSO Band C	£36.44	£28.83	£44.05
PCSO Band D	£43.27	£34.21	£52.33
Support Staff Band C	£37.07	£25.66	£48.49

6.5 Generally VAT is applicable to all commercial events. However, if the Event Organiser has a Safety Certificate then, regardless of category of event, it is exempt from VAT as deployment would be classified as a 'Non Business Activity'.

- 6.6 HQ Finance will ensure the provided template (see Appendix A) is used in all calculations of costs in relation to policing events and that the following procedures contained in that document are followed.
- 6.6.1 As a result of an audit of this policy conducted on behalf of the PCC, a recommendation was made that the calculation of charges for policing events, whilst calculated locally, should be managed centrally in order to ensure commonality across the force.
- 6.6.2 When an event, as defined within this policy, is notified, the level of resources required to police it will be identified in accordance with current national or other relevant guidance by the Event Planner or other designated and trained member of staff as being Special Policing Services in accordance with Section 25 of the Police Act. This is very much an operational decision.
- 6.6.3 When deciding upon this level of resources due regard should be given to case law and in particular, but not exclusively, the GMP v Wigan AFC case.
- 6.6.4 This level of resources should equate to those required to police the event venue only as explained previously in this Policy. Further guidance and assistance on this and the implications of case law can be obtained from OCPG and Legal Services.
- 6.6.5 It is accepted that operationally it may be decided that additional resources are required to police the local area (e.g. additional Custody/Investigative Staff; etc). Every case will have to be judged on its own merits but these resources are probably not chargeable to the event organiser under Section 25 of the Police Act but are still a cost to the organisation. These costs should also be calculated using the same template.
- 6.6.6 The completed templates accompanied by:
- a. Details of the event; including classification (Commercial / Community / Charitable / Statutory) initially given;
  - b. The level/number of resources to be deployed including relevant Rank/Grade for each;
  - c. The number of hours each member of staff is to be deployed at or associated with the event
  - d. If the event is non commercial, whether or not it is believed 'Exceptional Circumstances' (as defined within this policy) apply, the reasons why and, if it is believed appropriate to charge for policing that event.
  - e. Contact details of the member(s) of staff dealing with policing arrangements should then be e-mailed to the following: Operational and Contingency Planning Unit.
- 6.6.7 The calculations will then be checked taking in to account all relevant matters including case law. Where necessary, internal liaison will take place. Once the process has been completed the charges will either be confirmed or amended

before being returned to the originator. It will be these confirmed/amended charges which will be used for inclusion in relevant contracts for charging event organisers if charges are applicable and for determining the overall cost of the event/Operation to SYP.

- 6.6.8 If the event is non-commercial but 'Exceptional Circumstances' are believed to apply it will then be a matter for the head of OCPG to seek approval for making such charges in accordance with this policy. This will be a decision for the PCC.
- 6.7 A force standard contract is currently being prepared and when available this policy will be updated.
- 6.8 Cleared payment is required in advance of all events, including sporting events Exceptionally, the authorisation of the Head of Finance may be sought if to waiver this requirement. Any such requests should be e-mailed to OCPG with all relevant supporting details as to why payment in full before the event should not be required. It is unlikely that commercial events would be regarded as suitable for delaying payment in full or part as public money should not be used to support private enterprise/give financial and competitive advantage over other potential organisers but each case will be decided upon its own merits. Further advice and guidance on this matter can be obtained from Legal Services Department.
- 7 Review of charges
  - 7.1 All charges will be reviewed annually in line with the ACPO/APCC guidelines by the Financial accountant who will present these to the PCC for agreement.
- 8 Equality impact assessment
  - 8.1 This policy has been assessed with regard to its relevance to race and diversity equality. As a result of this assessment the policy has been graded as having a medium impact.