

Strategic Policing and Crime Board

Date of meeting: 19 March 2019

Police and Crime Plan Priority: Building a Modern Police Service

Title: Fees and Charges 2019/20

Presented by: Mark Kenyon

Purpose of Paper

1. This report details the proposed fees and charges to be made by West Midlands Police in 2019/20. The Commissioner is required to approve these charges through a decision before they are introduced from 1 April 2019.

Introduction and Background

2. West Midlands Police levies a charge to users for certain services. The rates are reviewed and approved on an annual basis. The attached document details the proposed fees and charges for 2019/20. It is important the Force charges where appropriate to ensure income is raised to offset the costs of delivering the services.
3. The proposed rates for 2019/20 have been calculated using the latest guidance issued by the National Police Chief's Council (NPCC) in their document National Policing Guidelines on Charging for Policing Services. The document in summary separates charges into the following areas:
 - (a) Charges for common items where the guidance recommends minimum levels of charges for 2019/20. The attached booklet details these in sections 1 to 7.
 - (b) Statutory set charges where the Police and Crime Commissioner has no choice but to charge the rates set out by the Home Office these are mainly for firearm licenses. These are in section 8 of the attached booklet.
 - (c) Charges for special policing services (SPS). These are police services provided over and above core policing at the request of a person or an organisation which are typically events including football, concerts etc. These are included in section 9 for commercial events and section 10 for non commercial of the attached booklet. These sections have been calculated using the NPCC guidance in terms of cost recovery calculations. Section 11 of the booklet is the charges relating to the Policing Education Qualifications

Framework (PEQF). This is when training establishments use the Force's trainers.

- 4 The following paragraphs provides the board with further details around specific areas of charging.

Special Policing Services – National Guidance

- 5 The NPCC guidance on charging for events has the central principle that policing cannot charge for services which fall within their ordinary public duty i.e. those services the police are duty bound to provide. The duty is described as being a duty owed to the public at large for the prevention of violence and disorder. Whether Policing Services are chargeable as Special Police Services (SPS) depends on a number of issues in most cases, the answer can be ascertained by addressing the following questions:-

1. Has there been a request for the services to be provided?
 - a. No – the services are not SPS.
 - b. Yes – continue to question 2.
2. Are the services to be provided on private land (i.e. land which is owned or leased by a private individual or body)?
 - a. Yes – it is likely the services are SPS.
 - b. No – continue to question 3.
3. Are the services to be provided on land which is ordinarily accessible to the public, but where access is restricted for the duration of the service provision (for example, areas closed off to non-ticket holders)?
 - a. Yes – it is likely the services are SPS, but legal advice should be obtained before proceeding.
 - b. No – continue to question 4.
4. Are the services to be provided on public land?
 - a. Yes - the services are unlikely to be SPS unless the services requested are in excess of that which the Chief Constable considers necessary to provide to satisfy the police's public duties. Legal advice should be obtained before proceeding.
 - b. No – the services could be SPS.

- 6 If there is any doubt about whether services provided in response to a request are SPS the NPCC guidance states legal advice should be obtained. The national guidance also states there are other factors to be considered include consideration of the nature of the services to be provided. If they are being provided for the benefit of the general public in relation to a public event, they are unlikely to be SPS, but if they are being provided for a private purpose, then they may well be SPS. Policing of events such as protests and marches are part of core activity and no charges should be made.

Special Policing Services – Charges for Policing Football

- 7 Football deployments are made in line with individual contracts with each club. All are based on a nationally agreed threat and risk analysis that categorises each fixture. The 2018/19 charges and the proposed charges for 2019/20 set out in Section 9 of the attached booklet have been calculated using NPCC guidance.

Special Policing Services – Other Events

- 8 Using the national criteria detailed in paragraph 5 of this report, to charge for Special Police Services other than football, has resulted in 10 organisations being charged by West Midlands Police over the last year. In 2019/10 the rates set out Sections 9 and 10 of the attached booklet will be applied.

Rates Set Nationally by the Home Office

- 9 Section 8 of the attached booklet sets out charges for services that are set nationally by the Home Office. Due to these rates being set nationally they do not reflect the costs of administering the charge / service. For example, it has been calculated that West Midlands Police in 2018/19 will make a loss of £112k administering shotgun and firearms licensing. Nationally, based on a survey of other forces, this has been estimated across all police forces as a loss of circa £10m per annum.

Financial Implications

- 10 The total budget in 2019/20 for fees and charges is £1.83m. This report sets out the how fees and charges will be calculated for the 2019/20 financial year.

Legal Implications

- 11 Fees and charges are governed by Sections 24 and 25 of the Police Act 1996.

Recommendation

- 12 The Board is asked to note the contents of this report.

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