

Minute of Meeting of Licensing Committee

16th September, 2015

Police Service of Northern Ireland  
Policy on Charging for Policing Services

The Committee considered the following report:

**“1.0 Purpose of Report or Summary of Main Issues**

**1.1 Members will recall, from your meeting on 20th May, that the PSNI has implemented a new policy, with effective from 1st April 2015, which enables it to charge for what are referred to legally as ‘special policing services’ and are primarily requests to provide police at events on private land.**

**1.2 At that meeting, Members expressed concerns at the proposal particularly given that, as part of the process, the PSNI may engage the Licensing Committee in making representations in relation to individuals Entertainments Licences and the potential impact it could have on a number of Council Departments which organise events. It was agreed that Council Officers would write to and meet with the PSNI to discuss these concerns. The purpose of this report is to inform Members that Council officers met with Superintendent Nigel Goddard on 2nd September and to update them on the outcomes of that meeting.**

**2.0 Recommendation**

**2.1 The Committee is requested to consider the feedback received from Superintendent Goddard and agree:**

- that this adequately addresses previous concerns of Members, or**
- that Superintendent Goddard be invited to attend a future meeting of the Committee to discuss the policy and clarify any points that may still be of concern.**

**3.0 Main report**

**Key Issues**

**3.1 The legal basis for the charging policy is set out in Section 11 of the Police (Northern Ireland) Act 2000 which states that the Chief Constable may, at the**

request of any person, provide special police services subject to the payment to the Board of such charges, or charges on such scales, as may be determined by the Board.

**3.2** The policy, at Section 4, sets out five categories of events to which it may apply:

- (a)** Commercial events and/or enterprises;
- (b)** Non-commercial events and/or enterprises;
- (c)** Sporting events (both commercial and non-commercial);
- (d)** Northern Ireland Executive sponsored events/enterprises;
- (e)** Statutory events reflecting constitutional rights or processes.

**3.3** The level of recoupment for each category of event is also set out in the policy.

**3.4** Through our discussions, Superintendent Goddard has advised that:

- As a result of a number of media enquiries about the cost of policing at events, the Chief Constable asked that a policy be developed to ensure there is a consistent approach to cost recovery by police across N. Ireland;
- The PSNI has implemented the policy to facilitate a transparent, open and visible approach to charging for both providers and receivers of special police services;
- Whilst there was previously no charging policy in place, the PSNI has been working to the ACPO guide on charging for police services since it was introduced in 1985 and this policy codifies that approach;
- Consultation on the formulation of the policy took place across the PSNI and with the Policing Board;
- The policy was screened out after an equality impact assessment by the PSNI;
- Current case law (Leeds Utd. F.C. v West Yorkshire Police) has established that it is not possible to charge for policing services at statutory events which reflect constitutional rights or processes such as parades and legal protests;

- The case law also established that it is only possible to charge for events which take place on privately owned land and within the event boundary. Whilst this could apply to events in Council Parks, it is not envisaged that special policing services will be required for the vast majority of these events. For those that may, as was the case with Tennents Vital recently, any such costs will be borne by the promoter of the event;
- Any event taking place in the public realm is part of normal policing responsibilities and as such would incur no charge, e.g. Christmas Lights switch on, Belfast Marathon;
- The type of events which the Police Service will seek to charge for are small in number and restricted only to those events in which the organiser has requested policing services or where there is a clear public safety/public order concern held and evidenced by the Police in relation to an event and a request/agreement has not been forthcoming from the organiser/promoter;
- The Chief Constable will decide on the level of policing required in support of these events. This will involve undertaking a risk assessment and considering the Safety Plan; and
- In terms of dispute resolution, ACC Martin chairs a review group which will meet should there be any dispute regarding application of the policy. This was not stated within the policy but Superintendent Goddard has confirmed that this provision is in place.

**3.5** The policy states that where no request has been made for policing services or no agreement has been reached with the organiser, the PSNI will ask the promoter to demonstrate through an Event Management Plan how the safety of persons is facilitated. If the PSNI are not satisfied this is the case, and the promoter refuses to pay for additional policing, then they will raise an objection to the Entertainments Licence where a risk to the public is envisaged.

**3.6** In the instance where such an event requires a licence from the Council, the Police Service may make representation to the Licensing Committee as part of the application process and the Council must consider that representation in making a decision.

- 3.7** Where there is a licence in force and the PSNI has concerns as outlined in 3.5, then it can make representations to Council on the grounds of the event causing a serious threat to public order or public safety. However, the only option open to the Council in these circumstances would be to suspend the licence if the Council agree there is a serious threat to public order or public safety. The PSNI has indicated all such representations made to the Council will be clearly evidence based.
- 3.8** Such a decision carries an element of risk, as where the Council suspends a licence on the basis of PSNI objections, it is possible that the event organiser may take legal action against the Council leaving the Council liable for damages and costs should the Court subsequently overturn the decision to suspend.
- 3.9** In this situation, the PSNI has been advised that we will be seeking assurances from the PSNI that it will indemnify the Council in respect of any such damages and/or costs.
- 3.10** The PSNI has also been advised that the Council will expect it to have explored all other avenues by which enforcement of the Charging Policy may be achieved, e.g. by way of injunction or objecting to any occasional liquor licence under the Licensing (NI) Order 1996.
- 3.11** Financial and Resource Implications
- None**
- 3.12** Equality or Good Relations Implications
- There are no Equality or Good Relations implications.”**

The Head of Building Control provided a brief overview of the discussions which had taken place with Superintendent Goddard, who had confirmed, amongst other things, that the Police Service of Northern Ireland would now only be charging for those events listed within categories (a) to (c), as set out within paragraph 3.2 of the report.

During discussion, the Members raised a number of further concerns in relation to the policy, including the financial implications for local sports clubs, the lack of consultation afforded to the Council in advance of its implementation and the potential risk to the Council arising from the suspension of an Entertainments Licence at the request of the Police Service.

Accordingly, the Committee agreed that Superintendent Goddard be invited to attend a future meeting in order to enable Members to outline their ongoing concerns in relation to the policy.