

DMPC Decision – PCD 1640

Title: Annual Review of the Schedule of Fees and Charges 2024-25.

Executive Summary:

This paper seeks approval for the attached schedule of Fees and Charges, the revised charges for Special Police Services (SPS) and the implementation of any revised rates set or advised by other agencies or determined by statute or legislation on or before 31st March 2024.

The paper also summarises the findings of reviews of income generating areas to demonstrate efficiencies and maximise income. It is important to note that some fees and charges are determined by statute or legislation and backed up by recommended charging guidelines published by National Police Chiefs' Council (NPCC).

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Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

1. Approve the attached Schedule of Fees and Charges levied pursuant to Section 15 of the Police Reform and Social Responsibility Act 2011 (Supply of Goods and Services) by set percentages to reflect the average CPI inflation uplift. Appendix 1 – Table 1 refers. The exception being those which are set by either (a) statute/legislation; (b) at a rate recommended by NPCC.
2. Approve the revised charges for Special Police Services under Section 25 of the Police Act 1996, which are based on full cost recovery, and recalculated to reflect the current cost of policing in line with NPCC guidance. This includes increases to pay due to annual pay awards and ERNIC. Appendix 2 - Tables 2A - F refer.
3. Approve the implementation of any revised rates set or advised by other agencies or determined by statute or legislation on or before 31st March 2024.

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature

Spina Kunder

Date 13/03/2024

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

1. Introduction and background

- 1.1. The paper details the results of a review of rates at the end of 2023/24 to reflect current price increases and sets out information on the recommended Metropolitan Police Service (MPS) fees and charges and Special Police Service rates for the Deputy Mayor for Policing and Crime (DMPC) to approve for 2024/25.
- 1.2. The income from the fees and charges is recovered under the provisions of existing legislation, as outlined below, and can be classified under several specific categories, namely:
 - MPS calculated fees and charges which generally will be increased by either a set percentage or in the case of SPS increased by pay and other inflationary costs;
 - Fees and charges where the rates are either set or advised by other Agencies including Legal Aid Agency and National Police Chiefs' Council (NPCC); and,
 - Fees and charges that are determined by statute or legislation.
- 1.3. There are a number of fees and charges that are set within statute or legislation. This includes items such as the removal, storage and disposal of vehicles, firearms certificates, pedlar certificates and overseas visitors' registration.
- 1.4. The review focuses on annual fees and charges levied upon on the public and other public bodies bases on rates reviewed on an annual basis, with the last review for 2023/24. It does not cover individual contractual arrangements negotiated by the MPS on behalf of MOPAC. For example, the special arrangements regarding the Partnership Plus Scheme with local authorities, as allowed by Section 92 of the Police Act 1996 or the specific agreements with Transport for London, the airports or the Palace of Westminster. As part of the financial strategy to optimise sources of income, the MPS will continue to review charging options for MPS services wherever feasible.

2. Issues for consideration

Review of Charges for 2024/25 - Methodology

- 2.1. Revisions to the different categories of fees and charges are mostly based on increases by either set percentages to reflect average pay costs movements over the period or, where appropriate, the 12-month average CPI rate (as at October 2023). The review for 2024/25 therefore takes account of the base rates from 2023/24 and the approved salary cost uplift for 2023/24, the estimated increases for 2024/25 (part year effect), and an inflation factor.
- 2.2. The methodology set out in paragraph 2.1 above for reviewing fees and charges is entirely consistent with previous years. It should be noted that the NPCC recommendation for CPI increases has been approved and subsequently the current 12-month average CPI (as of October 2023) rate of 4.6% has been applied where appropriate. It is proposed to continue using this basis of CPI average rate for all future years' inflation.

MPS Calculated Fees and Charges

Intellectual Property

- 2.3. The MPS has worked closely with NPCC to bring national guidance in line with activities undertaken by the MPS. Nationally agreed guidance and rates have now been produced by NPCC based on MPS processes and rates. After introducing revised rates at the MPS in 2023/24 the understanding has shown that the MPS rates in relation to name checks and technical interviews need to be amended to demonstrate full cost recovery.

Charges for Special Police Services

- 2.4. Section 25 provides the legal power to charge for SPS. MPS charges are reflective of NPCC National Policing Guidelines in that they are based upon full cost recovery, where appropriate, but recognise that it is not permissible to make a profit within the confines of the legislation.
- 2.5. The MPS provides policing services on private premises, such as sporting stadia and shopping centres and in the provision of assistance for activities including film making, community and charitable events and traffic surveys. All these policing services fall within the remit of SPS.
- 2.6. NPCC guidance clearly specifies when different rates of charges for SPS should be applied:
- SPS charges for commercial events, such as football matches, are made at full economic cost recovery, following NPCC guidance, using existing police resources on an ad hoc basis.
 - For SPS arrangements where organisations such as shopping centres, schools, universities, etc., enter into Agreements to pay for dedicated additionality, income recovery is made at full cost recovery for actual costs incurred;
 - The MPS may consider abatement of charges for small, community events, such as religious parades and charitable events, due to trust and confidence in local communities. For substantial events, a reduced rate may be charged for direct staffing costs.
 - 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.
- 2.7. The MPS collaborated with NPCC to revise the SPS charges methodology for 2023/24, ensuring consistent application across all forces, with a national charge agreed for

Constable to Superintendent ranks for all forces (with variations to account for regional allowances where appropriate).

- 2.8. Charges for other ranks have been calculated using the NPCC model. There is a 9.1% increase in SPS officer rates for MPS in 2024/25 to make full economic cost recovery, impacting commercial events like football matches. Non-sporting event charges will increase by 8.9%.
- 2.9. SPS charges include daily and hourly rates for police ranks, including Assistant Commissioner Rank, and a 31% administrative overhead charge, based on full cost recovery. See Appendix 2 – Tables 2A–2F.
- 2.10. The MPS will charge London Football Clubs SPS for policing on club-owned, leased, or controlled land. This involves the deployment inside the ground and Club properties outside, such as concourses; but in keeping with the Ipswich ruling, excluding temporary control areas due to traffic management orders, in accordance with relevant legislation and case law.

Fees and Charges where the Rates are set or advised by other Agencies

- 2.11. Depending on the Agency, the individual fee and charge to be levied can relate to either a set rate or an agreed calculation methodology.

Charges for Disclosures for Family Proceedings in Civil Cases

- 2.12. Under Common Law Police Disclosure, forces have an obligation to disclose certain information initially for free and sufficient information has to always be provided to conduct an adequate risk assessment (i.e., risk posed to children, vulnerable adults, national security and probity and administration of justice). The MPS will always release requested documents to a multi-agency case conference, a Responsible Authority (such as Local Authority, Health Authority, Fire and Rescue Authority, Primary Care Trust, NHS Trust, Probation Committees and Registered Social Landlord) or upon receipt of a court order at no charge.
- 2.13. Occasionally, the regulatory or governing body or a privately instructed solicitor will request further supporting information to aid their own internal investigations and NPCC have agreed that there should be a charge in respect of this additional information. This fee ((see 'Information Disclosure' set out in Schedule 1 – Table 1) may be levied even when information cannot be supplied to cover costs incurred for research and enquiries.
- 2.14. The MPS is proposing not to make inflationary increases to charges for disclosures for family proceedings in civil cases for services charges which are less than 2 hours to minimise financial impact on vulnerable users. Charges for 2024/25 will be the same as the NPCC minimum recommended charges for all activities. An Equalities Impact Assessment has been undertaken to ensure the risk is minimised and processes are in place to ensure that charges can be waived when unnecessary.

- 2.15. There are plans to introduce a system of advance payment for family disclosures in early 2024 to streamline administrative processes and seek MOPAC approval for a bundled package of charges for different disclosure level requests.

Third party cell accommodation

- 2.16. The MPS worked with NPCC to establish national rates with regional variations to account for regional location allowances, for the charges applied to both His Majesty's Prison and Probation Service (HMPPS) and Home Office Immigration and Enforcement (HOIE) for the use of placing their detainees in police custody.
- 2.17. There have been no other changes since last year to any of the Fees and Charges that are set by other Agencies. However, the MPS is continuing to work closely with NPCC who are undertaking national reviews of charges and charging methodology to ensure that any changes in rates and methodology in calculating charges are reflective of MPS processes.
- 2.18. If a rate changes prior to 31/3/24, it is recommended that MOPAC agree that the revised charge can be implemented with effect from 1 April 2024.

Fees and Charges that are determined by Statute or Legislation

- 2.19. In relation to Firearms Licensing fees, NPCC are currently leading on a collaborative review with the Home Office, Warwickshire Constabulary and Thames Valley Police to evaluate data sets and make recommendations to create charges which represent full cost recovery. The MPS has supported the review when required. The review is complete, but the recommendations are awaiting ministerial approval.
- 2.20. There has been an increase in statutory charges for the removal, storage and disposal of vehicles under road traffic law. The review was undertaken to ensure that the charges remain fair both to those carrying out the recoveries and to those whose vehicles are being recovered. The review took account of increased costs applied to this type of work and changes to the operational environment. There has been an increase of 28% to charges prescribed by the regulations from April 2023 and remains unchanged for April 2024.
- 2.21. There have been no other changes since last year to any of the Fees and Charges that are set by statute or legislation. If a rate changes prior to 31/3/24, it is recommended that MOPAC agree that the revised charge can be implemented with effect from 1 April 2024.
- 2.22. Whilst many of the activities contained within the Schedule of Fees and Charges are statutory requirements, optimising the income available to the MPS ensures that existing funding is not diverted away from activities that could directly support the Police and Crime Plan and New Met for London plan.

3. Financial Comments

- 3.1. The estimated 2024/25 income from fees and charges is £17.85m, an increase of £0.6m compared to 2023/24. This is driven by, 4.6% higher than the previous year for Section 15 fees and charges, 8.9%–9.1% higher for SPS from commercial arrangements; and 2% higher for some MPS-set fees.
- 3.2. There have been no changes to fees or charges based on external agencies and statute-based rates, and the estimated income for budget comparison remains consistent across years.
- 3.3. VAT will be accounted for at the appropriate rate according to the tax point date and in line with the HM Revenue and Customs guidance on the VAT treatment of charges made by the police (VAT: Government and Public Bodies).

4. Legal Comments

- 4.1. MOPAC has the legal power to charge third parties for goods and services under section 15 of the Police Reform and Social Responsibility Act 2011 and to charge for the provision of special police services under section 25 of the Police Act 1996.
- 4.2. The legislation referred to above does not specify how the charges should be calculated but the case law and NPCC guidance referred to in this report allows the MOPAC to increase its charges to reflect its increased costs caused by inflation.
- 4.3. Section 25 provides the legal power to charge for SPS. MPS charges are reflective of NPCC National Policing Guidelines in that they are based upon full cost recovery but recognise that it is not permissible to make a profit within the confines of the legislation.

5. GDPR and Data Privacy

- 5.1. MOPAC will adhere to the Data Protection Act (DPA) 2018 and ensure that any organisations who are commissioned to do work with or on behalf of MOPAC are fully compliant with the policy and understand their GDPR responsibilities.
- 5.2. The proposal to uplift the fees and charges does not use personally identifiable data therefore there are no GDPR issues to be considered.

6. Equality Comments

- 6.1. MOPAC is required to comply with the public sector equality duty set out in section 149(1) of the Equality Act 2010. This requires MOPAC to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations by reference to people with protected characteristics. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.2. Under the current system of charging, it has been established that no protected characteristics or vulnerable group or individual has reported an inability to access

required documents or information. It is not expected that any issues will be experienced as a result of either the continuation of the existing methodology for charging or the proposed inflationary uplift for 2024/25.

7. Background/supporting papers

7.1. MPS report Annual Review of Schedule of Fees and Charges 2024/25

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.

If immediate publication risks compromising the implementation of the decision, it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO


If yes, for what reason:

Until what date:

Part 2 Confidentiality: Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a **Part 2** form –NO

ORIGINATING OFFICER DECLARATION	<i>Tick to confirm statement (✓)</i>
Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
Legal Advice: The MPS legal team has been consulted on the proposal.	✓
Equalities Advice: Equality and diversity issues are covered in the body of the report.	✓
Commercial Issues The proposal is in keeping with the GLA Group Responsible Procurement Policy.	✓
GDPR/Data Privacy <ul style="list-style-type: none"> • GDPR compliance issues are covered in the body of the report. • A DPIA is not required. 	✓
Drafting Officer Stephen Kalyango has drafted this report in accordance with MOPAC procedures.	✓
Director/Head of Service: The Interim Chief Finance Officer and the Director of Coporate Services has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓

<p>Chief Executive Officer</p> <p>I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="text-align: center;">  <p>Signature</p> </div> <div style="text-align: right;"> <p>Date 12/03/2024</p> </div> </div>	
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