

DMPC Decision – PCD 942

Title Annual Review of Fees and Charges 2021/22

Executive Summary:

This paper seeks approval of the proposed Metropolitan Police Service (MPS) Schedule of Fees and Charges 2021/22.

The report details the results of a review of rates at the end of 2020/21 to reflect current price increases and sets out information on the recommended MPS fees and charges and special policing service rates for 2021/22.

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).

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 or (b) at a higher 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. This includes increases to pay due to annual pay awards, ERNIC, and the increase to employer's pension contribution. Appendix 2 - Tables 2A - E refer.
3. Approve the implementation of any revised rates set or advised by other agencies, or determined by statute or legislation on or before 31 March 2021.

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



Date 19/03/2021

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

1. Introduction and background

1.1. The aim of this report is to provide details of the proposed review and for Deputy Mayor for Policing and Crime (DMPC) to agree the Schedule of Fees and Charges for 2021/22. The income from the fees and charges is recovered under the provisions of existing legislation, as outlined below, and can be classified under a number of specific categories, namely:

- MPS calculated fees and charges which generally will be increased by either a set percentage or in the case of Special Policing Services 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, Home Office Immigration Enforcement, National Police Chief Council (NPCC); and,
- Fees and charges that are determined by statute or legislation.

The paper is therefore presented under the above three categories.

1.2. 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.

1.3. The review has been limited to fees and charges that are levied upon the public and other bodies based on rates that are normally reviewed and updated on an annual basis. The Schedule of Fees and Charges was last reviewed for 2020/21. The recent review does not cover contractual arrangements negotiated by the MPS, on behalf of MOPAC, on an individual basis. 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 the airports. As part of the financial strategy to optimise sources of income, the MPS will continue to review the options concerning charging for MPS services wherever feasible.

2. Issues for consideration

Review of Charges for 2020/21 - 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 2020). The review for 2021/22 therefore takes account of the base rates from 2020/21 and the approved salary cost uplift for 2020/21, the estimated increases for 2021/22 (part year effect), and an inflation factor.

2.2. The methodology set out in paragraph above for reviewing fees and charges is consistent with previous years. However, it should be noted that the NPCC recommendation for CPI increases has not yet been issued and subsequently, with NPCC approval, the current 12 month average CPI (as at October 2020) rate of 0.9%

has been applied. It is proposed to use this basis of CPI average rate for all future years' inflation.

MPS Calculated Fees and charges

- 2.3. Section 25 provides the legal power to charge for Special Police Services (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.
- 2.4. On many occasions, the MPS provides policing services on private premises, such as sporting stadia and also in the provision of assistance for activities including film making and traffic surveys. These policing services fall within the remit of SPS.
- 2.5. The charges include daily rates and hourly rates for police ranks up to and including Assistant Commissioner rank. A general administrative overhead charge of 30% is also applied in accordance with NPCC guidance which states that all charging should be based upon full cost recovery. See Appendix – Tables 2A – 2E.
- 2.6. In compliance with relevant legislation and applicable case law, the MPS will only charge the London Football Clubs SPS for the policing provided on land owned, leased or controlled by the Club. This involves the deployment inside the ground and Club properties outside, such as concourses; but in keeping with the Ipswich ruling, excludes any areas under the temporary control of the Club as a result of the application for a traffic management order.

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

- 2.7. Depending on the Agency, the individual fee and charge to be levied can relate to either a set rate or an agreed calculation methodology.
- 2.8. There have been no changes since last year to any of the Fees and Charges that are set by other Agencies. If a rate changes prior to 31/3/21, it is recommended that MOPAC agree that the revised charge can be implemented with effect from 1 April 2021.

Fees and Charges that are determined by Statute or Legislation

- 2.9. There have been no changes since last year to any of the Fees and Charges that are set by statute or legislation. If a rate changes prior to 31/3/21, it is recommended that MOPAC agree that the revised charge can be implemented with effect from 1 April 2021.

3. Financial Comments

- 3.1. The forecast income generated from fees and charges for 2021/22 is £13.859m, an increase of £228,000 on the budget for 2020/21. For the items that are not set by statute or legislation the fees and charges are estimated to be 0.9% higher than last year for Section 15 fees and charges, and 2% higher for SPS.

- 3.2. There have been no changes to fees and charges where rates have been advised by other agencies and those determined by statute or legislation. It has been assumed that there will be no significant changes in demand. The 2021/22 budgets will be updated accordingly to reflect the recommended changes, but not any Covid related changes as these are, at present, unknown. The budgets will be amended over the next year as any ongoing impacts of Covid become known.
- 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.

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 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 2021/22.

7. Background/supporting papers

- Appendix 1 MPS Report Annual Review of Fees and Charges 2021/22

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: n/a

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

Tick to confirm statement (✓)

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

Commercial issues are covered in the body of the report.

✓

GDPR/Data Privacy

GDPR compliance issues are covered in the body of the report

✓

Director/Head of Service:

The MOPAC Chief Finance Officer and Director of Corporate Services has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.

✓

Chief Executive Officer

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.

Signature



Date 18/03/2021