

HOME OFFICE

# Guidance on Football Related Legislation

FOOTBALL SPECTATORS ACT 1989

Schedule 1 (as amended)

## Relevant Offences

The offences relevant for the purposes of sections 7(2) and 15(1) of this Act are the following -

- (a) any offence under section 2(1) or 5(7) of this Act;
  - (b) any offence under section 2 of the Sporting Events (Control of Alcohol etc.) Act 1985 (alcohol containers at sports grounds) committed by the accused at any designated football match or while entering or trying to enter the ground;
  - (c) any offence under section 5 of the Public Order Act 1986 (harassment, alarm or distress) or any provision of Part III of that Act (racial hatred) committed during a period relevant to a designated football match at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises;
  - (d) any offence involving the use or threat of violence by the accused towards another person committed during a period relevant to a designated football match at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises;
  - (e) any offence involving the use or threat of violence towards property committed during a period relevant to a designated football match at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises;
  - (f) any offence under section 12 of the Licensing Act 1872 (persons found drunk in public places, etc.) of being found drunk in a highway or other public place committed while the accused was on a journey to or from a designated football match being an offence as respects which the court makes a declaration that the offence related to football matches;
  - (g) any offence under section 91(1) of the Criminal Justice Act 1967 (disorderly behaviour while drunk in a public place) committed in a highway or other public place while the accused was on a journey to or from a designated football match being an offence as respects which the court makes a declaration that the offence related to football matches;
  - (h) any offence under section 1 of the Sporting Events (Control of Alcohol etc.) Act 1985 (alcohol on coaches or trains to or from sporting events) committed while the accused was on a journey to or from a designated football match being an offence as respects which the court makes a declaration that the offence related to football matches;
  - (i) any offence under section 5 of the Public Order Act 1986 (harassment, alarm or distress) or any provision of Part III of that Act (racial hatred) committed while the accused was on a journey to or from a designated football match being an offence as respects which the court makes a declaration that the offence related to football matches;
  - (j) any offence under section 4 or 5 of the Road Traffic Act 1988 (driving etc. when under the influence of drink or drugs or with an alcohol concentration above the prescribed limit) committed while the accused was on a journey to or from a designated football match being an offence as respects which the court makes a declaration that the offence related to football matches;
  - (k) any offence involving the use or threat of violence by the accused towards another person committed while one or each of them was on a journey to or from a designated football match being an offence as respects which the court makes a declaration that the offence related to football matches;
  - (l) any offence involving the use or threat of violence towards property committed while the accused was on a journey to or from a designated football match being an offence as respects which the court makes a declaration that the offence related to football matches;
  - (m) any offence under the Football (Offences) Act 1991;
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- (n) any offence under section 5 of the Public Order Act 1986 (harassment, alarm or distress) or any provision of Part III of that Act (racial hatred) -
    - (i) which does not fall within paragraph (e) or (i) above,
    - (ii) which was committed during a period relevant to a designated football match, and
    - (iii) as respects which the court makes a declaration that the offence related to that match or to that match and any other football match which took place during that period;
  - (o) any offence involving the use or threat of violence by the accused towards another person -
    - (i) which does not fall within paragraph (d) or (k) above,
    - (ii) which was committed during a period relevant to a designated football match, and
    - (iii) as respects which the court makes a declaration that the offence related to that match or to that match and any other football match which took place during that period;
  - (p) any offence involving the use or threat of violence towards property -
    - (i) which does not fall within paragraph (e) or (l) above,

(ii) which was committed during a period relevant to a designated football match, and  
(iii) as respects which the COURT makes a declaration that the offence related to that match or to that match and any other football match which took place during that period;  
(q) any offence under section 166 of the Criminal Justice and Public Order Act 1994 (sale of tickets by unauthorised persons) which relates to tickets for a football match.

Any reference to an offence in paragraph (a) to (q) above includes -

(i) a reference to any attempt, conspiracy or incitement to commit that offence; and  
(ii) a reference to aiding and abetting, counselling or procuring the commission of that offence  
) - > the purposes of paragraphs (f) to (l) above -

(i) a person may be regarded as having been on a journey to or from a designated football match whether or not he attended or intended to attend the match; and

(ii) a person's journey includes breaks (including overnight breaks).

## Chapters: Designation

3.1 Football-related legislation has provided four forms of designation:

(a) **Designated matches** - used for the purposes of international football banning orders and offences under the Football (Offences) Act 1991

(b) **Prescribed matches** - used for the purposes of domestic football banning orders

(c) **Designated sports grounds & designated classes of sporting events** - used in relation to alcohol and sporting events but presently only in connection with football.

(d) Designation under the Safety at Sports Grounds Act 1975

3.2 In order to simplify the process in terms of banning orders, both domestic and international, the Secretary of State has laid orders before Parliament. The effect of these orders will be to apply a simplified and single definition for designated matches under the Football Spectators Act 1989, the Football (Offences) Act 1991 and prescribed matches under the Public Order Act 1986 for offences committed at matches played in England and Wales.

### *Designated and prescribed matches*

33 A designated or prescribed football match means any match designated or prescribed under the Public Order Act 1986, the Football Spectators Act 1989 and the Football (Offences) Act 1991 by the Secretary of State. These are as follows:

(a) **Matches played in England and Wales**

An association football match:

(i) in which one or both of the participating teams represents a club which is for the time being a member (whether a full or associate member) of the Football League or the Football Association Premier League, or represents a club, country or territory outside England and Wales, and

(ii) which is played at a sports ground which is designated by order under section 1(1) of the Safety of Sports Grounds Act 1975, or registered with the Football League or the Football Association Premier League as the home ground of a club which is a member of the Football League or the Football Association Premier League at

the time the match is played  
is both a prescribed and a designated match,  
(b) Matches played outside England and Wales  
Any association football match played in a  
country outside England and Wales being a  
match involving:

- (i) a national team appointed by the  
Football Association or the Football  
Association of Wales to represent  
England or Wales respectively; or
- (ii) a team representing a club which is a  
member (either full or associate) of the  
Football League or the Football  
Association Premier League; or
- (iii) a team from England and Wales playing  
in a UEFA organised competition  
is a designated match.

The Football Spectators (Designation of Football  
Matches outside England and Wales) Order 1990  
SI 1990 No 732

The Public Order (Domestic Football Banning)  
Order 1999 SI 1999 No 2460

The Football Spectators (Designation of Football  
Matches in England and Wales) Order 1999 SI  
1999No2461

The Football (Offences) (Designation of Football  
Matches) Order 1999 SI 1999 No 2462

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*Designated sports grounds and sporting events*

3.4 The Sports Ground and Sporting Events  
(Designation) Order 1985 (SI 1985 No. 1151), as  
amended by the Sports Grounds and Football  
(Amendment of Various Orders) Order 1992 (SI  
1992 No. 1554), applies the designation process  
only to football grounds and football matches.  
See chapter 10 for details.

3.5 See chapter 10 in relation to application of  
designation to matches played in England and  
Wales; and matches played outside England and  
Wales, particularly Scotland.

*Designation under the Safety at Sports Grounds Act  
1975*

3.6 The Safety at Sports Ground Act 1975  
provides that the Secretary of State may by order  
designate as a sports ground requiring a certificate  
("a safety certificate") under this Act any sports  
ground which in his opinion has accommodation  
for more than: 5,000 in the case of sports  
grounds at which association football matches are  
played and which are occupied by a club which is  
a member of the Football League or the FA  
Premier League; or 10,000 in the case of all other  
classes of sports grounds designated by order.  
There are numerous orders in force designating  
specific sports grounds.

Safety of Sports Grounds (Accommodation of  
Spectators) Order 1996, SI 1996 No. 499

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## **Chapter 4: International football banning orders**

4.1 Part II of the Football Spectators Act 1989

came into force on 24 April 1990 and introduced the restriction order process. This provided the courts with the power to impose a restriction order on certain convicted football hooligans to prevent them from travelling to key football matches outside England and Wales. Those matches are designated by the Secretary of State and detailed at paragraph 4.5 (b) below.

4.2 The Football (Offences and Disorder) Act 1999 has made a number of significant changes to the process but has maintained the same structure of providing the court with the power to prevent convicted hooligans from attending certain matches outside England and Wales by requiring attendance at a police station when these matches are taking place.

4.3 The changes brought about by the 1999 Act are summarised in chapter 1 of this Circular, but it may be helpful to repeat them here:

- restriction orders are now called international football banning orders
- as a condition of the order, a person may be required to surrender his or her passport up to five days in advance of the reporting requirement
- failure to comply with a condition of the order is an arrestable offence
- the person must report to a named and specific police station
- orders will be made subject to minimum and maximum periods
- application for termination can only be made after two-thirds of the period of the order has elapsed
- the court must be satisfied that there are reasonable grounds to believe that an order would help prevent violence or disorder at or in connection with designated matches
- the court is under a duty to make an IFBO if it is satisfied that the relevant criteria are met
- the court is required to state in open court the reasons why it is not satisfied that such criteria have been met
- the relevant period applying to offences committed in England and Wales is from 24 hours before the start of the match until 24 hours following the final whistle.
- the relevant period applying to offences committed overseas will depend on the Order in Council issued in respect of each country.

*When an IFBO can be issued*

4.4 An IFBO may only be made where a person is convicted of a football-related offence specified in Schedule 1 to the 1989 Act, as amended (see pages 8 & 9 of this Circular) or a corresponding offence in a country outside England and Wales specified in an Order in Council in relation to that country. Before making an IFBO, the court must be satisfied:

- that the person has been convicted of a football-related offence (see paragraph 4.5

below)

- that the conviction is in connection with a designated football match (see paragraph 3.3 above)

- that for offences committed away from the ground itself, a declaration of relevance was issued (see paragraph 4.6 below)

- that the making of such an order would help prevent violence or disorder at or in connection with designated football matches (see paragraph 4.7 below)

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An order may only be made in addition to:

(i) a sentence imposed in respect of the offence of which the accused is or was convicted; or

(ii) an order discharging the accused absolutely or conditionally.

The Football Spectators Act 1989, section 15(3) as amended by the Football (Offences and Disorder) Act 1999, section 1(3).

### **The Role of the Courts**

#### *Football-related offence*

4.5 The court must be satisfied that the conviction is for a relevant offence as specified in Schedule 1 to the 1989 Act, as amended by the Football (Offences and Disorder) Act 1999; and that the conviction is in relation to an offence at or in connection with a designated match. (Designated matches are defined at paragraph 3.3 above).

Section 14 of the Football Spectators Act 1989, subsections (5) & (6)

#### *Declaration of Relevance*

4.6 For offences committed away from the ground or in connection with journeys to or from a designated match, the court may make a declaration of relevance that the offence related to football matches. The court must normally be satisfied that the prosecutor gave notice to the defendant at least five days before the opening day of the trial that it was proposed to show that the offence was football-related.

The Football Spectators Act 1989, sections 23(1) and 23(2).

The Football (Offences and Disorder) Act 1999, sections 2(5) & 2(6)

#### *Help to prevent violence or disorder at or in connection with designated football matches*

4.7 The Football (Offences and Disorder) Act 1999 requires the court to be satisfied that there are reasonable grounds to believe that making an order would help to prevent violence or disorder at or in connection with designated matches. Designated matches refers to the definition given at paragraph 3.3 above.

The Football (Offences and Disorder) Act 1999, section 1 (2)

The Football Spectators (Designation of Football Matches outside England and Wales) Order 1990 SI No. 732

The Sports Grounds and Football (Amendment

of Various Orders) Order 1992

SI No. 1554

*Duty of the court to make an order*

4.8

(i) The 1999 Act places a duty on the court to make an international football banning order provided a person has been convicted of a relevant offence and it is satisfied there are reasonable grounds to believe that the issue of an order would help prevent violence or disorder at or in connection with designated football matches.

(ii) Where the court has the power to make such an order but does not do so, the court is required to state in open court why it is not satisfied that such reasonable grounds exist.

The Football Spectators Act 1989, section 15 subsections (1) to (5) as amended by the Football (Offences and Disorder) Act 1999, section 1.

*Conditions of the order*

4.9 The courts may impose conditions in an IFBO including conditions with respect to the surrender of passports. The court may require the person to surrender their passport not more than five days in advance of the reporting requirement issued by the enforcing authority. The passport will be required to be surrendered at a named and specific police station. The enforcing authority will retain the ability to grant exemptions from any requirement to comply with such conditions, although such decisions can also be made locally by the police in certain circumstances (see paragraph (4.16 below). The enforcing authority has responsibility for notifying the person of the required times and dates to surrender the passport at a police station. This will be issued at the same time as the person is advised of specific reporting requirements.

The Football (Offences and Disorder) Act 1999, section 3.

The Football Spectators Act 1989, section 20(2)

*Duration of an IFBO*

4.10 An IFBO must meet the following conditions as to duration:

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• In the case where a custodial sentence taking immediate effect was imposed for the original offence-

**A minimum period of six years and no more than ten years**

• In all other cases-

**A minimum period of three years and no more than five years**

The Football Spectators Act 1989, section 16(1), as amended by the Football (Offences and Disorder) Act 1999, section 4(1)

*Explanation of the effect of the order*

\*-11 The court is required on making an order to explain the effect of the order to the accused in ordinary language. The court may wish to consider drawing attention to the following:

(i) the purpose of the order is to make it

impossible for offenders to attend certain football matches outside England and Wales by making them report to a named police station as directed by the Football Banning Orders Authority and where appropriate by making them surrender their passports in advance of reporting requirements (because the court has a discretion whether or not to impose passport surrender).

(ii) that the Authority will inform offenders by post when they have to surrender their passports to the police station and when they have to report to the police station;

(iii) that it is an offence to fail to surrender the passport or to comply with reporting requirements, though in special circumstances exemption can be sought in advance;

(iv) as a first step, offenders must report within 5 days of the date of the order to the named police station. The police will agree the named police station for subsequent reporting and surrender of passport. Those subject to a custodial sentence must report within 5 days of their release from prison.

The Football Spectators Act 1989, section 15(6)

#### *Initial Reporting*

4.12 The court is required to specify in the IFBO the police station to which the person subject to the order must initially report. This should be a police station in the area in which the person resides or works or is in some other way convenient. A list of police stations in each force area available for this purpose can be obtained from the enforcing authority. The person should be handed a copy of form FBOA 1 attached at Annex C (or in the case of an order issued in connection with a conviction for an offence committed overseas, form FBOA 6 at Annex J).

The Football Spectators Act 1991 section 16(2)(a)

#### *Enforcing Authority*

4.13 The Football Banning Orders Authority (formerly the Restriction Orders Authority) is the enforcing authority for the purposes of Part II of the Football Spectators Act 1989. The Authority is situated at: The Football Banning Orders Authority, PO Box 8000, London SE 11 SEN. Telephone 0207-238 8610.

The Football Spectators (Designation of Enforcing Authority) Order 1999  
SI No 2459

#### *Service of Order*

4.14 On the making of an IFBO, the court should notify:

(i) the enforcing authority at the above address (paragraph 4.13)

(ii) the police station to which the person is required to report initially; and

(iii) if appropriate, the governor of the prison where the person is serving a custodial

sentence.

Specimen copies of IPBOs are attached at Annexes C,D (Crown Court) & J.

*Exemptions from conditions and/or reporting requirements*

4.15 The enforcing authority is empowered upon application to grant exemptions from conditions attached to an IFBO or to reporting requirements. Making a false or misleading statement or providing false or misleading documentation in connection with an application for exemption is an offence which carries on conviction a fine not exceeding level 5

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The Football Spectators Act 1989, section 20, as amended by The Football (Offences and Disorder) Act 1999 section 3(8) to (11)

4.16 In the case of an application for exemption made within five days of the conditions or the reporting requirement, the officer responsible for the police station at which the person is due to meet those conditions or reporting requirement may grant the exemption.

The Football Spectators Act 1989, section 20(2)(i)

*Right of Appeal*

4.17 If an exemption is not granted, the person may appeal to a magistrates' court acting for the petty sessions area in which he or she resides. The appeal will be by way of complaint.

The Football Spectators Act 1989, section 20(7)

Rule 34, the Magistrates' Court Rules 1981

The Magistrates' Courts Act 1980, sections 51 and 55(3)

*Termination of an Order*

4.18

(i) On application to the court, the person may apply for the IFBO to be terminated when the order has been in force for at least two-thirds of the period determined by the court.

(ii) The application must be made to a magistrates' court in the same petty sessions area in which the order was made. The Football Spectators Act 1989, section 17(1) as amended by the Football (Offences and Disorder) Act 1999, section 4(2).

(iii) On considering an application for termination, the court must have regard to:

- the applicant's character;
- the applicant's conduct since the order was made;
- the nature of the offence which led to the order
- and any other circumstances of the case

(iv) The enforcing authority will be able to assist the court on some of these issues.

The Justices's Clerk should notify the enforcing authority of the date of the hearing so that information can be made available to the court.



The Football Spectators Act 1989,  
section 17(2)

(v) If the court refuses the application for termination, a further application cannot be made by the person within six months of the date of the refusal.

The Football Spectators Act 1989,  
section 17(3)

(vi) The court may order the applicant to pay all or part of the costs of the application.

The Football Spectators Act 1989,  
section 17(4)

(vii) Notice of termination of an order will be passed by the court to the enforcing authority or, in the case of a person serving a term of imprisonment, to the prison governor. Specimen copies of the terminating order (FBOA 2 - Magistrates' Court and FBOA 2 - Crown Court) are at Annexes E and F.

(viii) The court should also advise the outcome of unsuccessful applications to the enforcing authority to help maintain up-to-date records.

The Football Spectators Act 1989,  
section 18

*Offences outside England and Wales*

4.19

(i) The court may make an IFBO in relation to a person convicted of an offence outside England and Wales corresponding to a football-related offence as specified in Schedule I to the Football Spectators Act 1989. Such corresponding offences will be specified by Orders in Council. When notification has been received that such an offence has been committed abroad by a person residing in England and Wales, the Football Banning Orders Authority will place the information before the chief officer of police in whose force area the person resides. It will then be a matter for the chief officer to consider laying that information before local magistrates. The magistrates should then consider the issue of a summons to bring the person before the court so that the court may consider

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the issue of an international football banning order. The relevant specimen forms are contained at Annexes G to J.

fii) Guidance is issued separately in respect of each Order in Council. The existing bilateral agreements will be re-negotiated with a view to agreeing a relevant period in which corresponding offences may be deemed football-related.

The Football Spectators Act 1989, section 22  
The Football Spectators Act 1989, section 22 (1),  
as amended by The Football (Offences and Disorder) Act 1999, section 5 (2)

**The Role of the Police**

*List of police stations*

4.20 On making an international football banning order, the court will specify in the order the police station to which the offender must report initially. In most cases, this will be the police station to which the person must report on subsequent occasions to comply with conditions attached to and/or reporting requirements of the order. It is important that chief officers notify the enforcing authority of the police stations in their area able to carry out the functions of;

- (i) initial reporting
- (ii) passport submission and retention
- (iii) reporting requirements.

*Initial Reporting*

4.21

(i) A copy of the IFBO specifying the police station to which to report initially will be handed to the offender and a copy sent to the officer in charge of that police station.

(ii) Under the terms of the order, the offender must comply with the duty to report within 5 days of the making of the order or, if appropriate, within 5 days of completing a custodial sentence.

(iii) Failure to do so is an offence and renders the person liable on conviction to a term of imprisonment not exceeding six months and/or a fine not exceeding level 5-

The Football Spectators Act 1989, section 16(4) & (5), as amended by The Crime and Disorder Act 1998, section 84

(iv) The enforcing authority may impose requirements on the person deemed necessary for the effective enforcement of IFBOs.

(v) The officer responsible for the police station of initial reporting may give effect to those requirements.

(vi) The Authority requires that photographs should be obtained of all persons subject to an IFBO; and that any change of address is advised.

(vii) The request for photographs and other information on initial reporting is contained in the order issued to the person by the court.

(viii) If the person fails to provide three passport-sized photographs or they are considered to be of insufficient likeness to the person, the police should take photographs of the person. The power to take the photographs should be explained to the person before the photographs are taken.

(ix) The person should also produce the IFBO, proof of identity and proof of home address on initial reporting.

The Football Spectators Act 1989, section 19(2)

(x) If the person's documentation is in order, the police should then advise the person of the requirement to surrender the

passport if that is a condition of the order and to report to that specific police station as and when required and directed by the enforcing authority.

(xi) Of the three photographs, one should be forwarded to the enforcing authority together with Form FBOA 7 (Annex K).

(xii) The remaining two photographs are for local use. One should be retained for local records; and the second should be used to provide a laminated registration card. An example of the card, FBOA 8, is contained at Annex L.

(xiii) For forces without such facilities, the third photograph should be forwarded to

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the enforcing authority, which will produce the laminated card and return it direct to the person.

(xiv) The registration card should contain a serial number or reference number. If the card is provided at local level, the serial number will be the PNC code for that station plus the sequential number of the card issued. If the card has to be forwarded to the FBOA, the serial or reference number should be supplied by the local station.

(xv) If the person indicates that that police station is inconvenient, the police should ask him or her to complete Form FBOA 9. A specimen form is at Annex M. The request to use an alternative police station should be considered at local level. The decision on that request should be shown on Form FBOA 9 and copied to the FBOA. If agreed, the 'requested' police station should be forwarded a copy of the FBOA 9.

(xvi) In deciding the application, consideration should be given to issues such as whether the change is requested to meet a change of address, change of place of employment or changed domestic conditions. It should also be ascertained whether the change requested is permanent or temporary. Temporary reasons may be, for example, that the applicant is working away from home on a short-term basis, family illness etc. Documentary evidence should be sought where appropriate. Advice can be sought from the Football Banning Orders Authority in reaching a decision.

#### *Surrender of passport*

4.22

(i) The court may impose a condition of the order requiring surrender of the passport up to five days in advance of the reporting requirement.

(ii) The person will be advised by the enforcing authority of the occasions on which the passport must be surrendered.

A copy of this instruction will also be forwarded to the named police station.

(iii) The person will be required to produce the registration card and letter from the enforcing authority. A copy of the letter (FBOA 10) is attached at Annex N.

(iv) The letter from the enforcing authority should be endorsed to indicate that the passport has been surrendered. This will act as a receipt for the person.

(v) The passport should be returned to the person as soon as practicable after the reporting requirements have been met. Normally the passport will be handed back before the person leaves the police station.

(vi) Failure to comply with a condition of the order should act as trigger mechanism for the named police station to consider action against the person. Failure to comply is an arrestable offence and renders the person liable to up to six months imprisonment and/ or a level 5 fine.

#### *Standard Reporting*

4.23

(i) During the period of an IFBO, the enforcing authority will notify the offender of the requirement to report to the named police station on a particular date and between stated times.

(ii) This notification will be copied to the named police station on Form FBOA 10 (Annex N).

(iii) On reporting, the person should bring a copy of the notification and the registration card.

(iv) The police officer at the station should check that the person matches the photograph on the registration card and confirm that the serial number of the registration card matches the serial number on the notification letter.

(v) If the checks are satisfactory, the officer should endorse the attendee's notification letter to indicate attendance.

(vi) The officer should check the notification letter to see whether the person has surrendered the passport as a condition of

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## Introduction

The Football (Offences and Disorder) Act 1999 received Royal Assent on 27 July 1999 and comes into effect on 27 September. The issue of a Home Office Circular to police and courts would normally follow setting out the main provisions of the Act and any procedural arrangements resulting from enactment.

The 1999 Act, however, affects a number of existing legislative and administrative measures. This presents a useful opportunity to consolidate guidance on these measures and to place them in the context of the new legislation.

The guidance is aimed at police, prosecutors and the courts, and also the football authorities, clubs and stewards. All have important roles in combating football hooliganism.

The range of measures contained in the Act help tighten up the banning order strategy. The overall aim is to ensure that those intent on disrupting football are prevented from doing so.

I particularly commend and support the change the Act makes to the offence of racist chanting.

Overt displays of racism are thankfully less common at football grounds than they were a few years ago:

this measure should help to continue that welcome trend.

This guidance reflects the content of legislation. But legislation on its own is not the solution to the problems of hooliganism. It has, however, an important part to play in changing public attitudes and behaviour. We have made tremendous strides in helping reduce the scale of hooliganism in this country since the introduction of football-specific legislation over a decade ago. Further progress depends to a large extent on the role that supporters have to play. Their input should always be a factor on issues affecting their safety and security. They can provide an important contribution to police and clubs and their capacity for co-operation and assistance should be used to the full.

Legislation, improved policing and intelligence, the use of technology, effective stewarding, and improved facilities have all helped achieve these advances. All these aspects rely on the contribution and co-operation

of clubs, supporters, police and the wider community. It is a partnership approach that has proved to be successful. By continuing to work together, we can eliminate hooliganism, and strengthen support for the

"beautiful game" from among the vast majority of fans who are honest, peaceful, and law abiding.

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*Lord Bassam*

*Parliamentary Under Secretary of State*

the order. If so, the officer should request the attendee to endorse both his or her own and the police copy of the notification letter before returning the passport.

(vii) A record should be maintained for each individual to record surrender and retention of passport, attendance to meet reporting requirements and return of passports. A specimen record is attached at Annex O (Form FBOA 11).

*Failure to surrender passport or to report*  
4.24

(i) An official record or central log should also be maintained which is able to identify when persons are expected to surrender passports or meet reporting requirements. This is important in enabling forces to identify where breaches have occurred.

(ii) The enforcing authority is no longer the central monitor for breaches of the order. It is a matter for each force to identify breaches locally, to consider investigating the circumstances and to take any necessary further action.

(iii) If a person has failed to comply with a condition or has breached a reporting requirement, the Football Banning Orders Authority should be notified.

*Exemptions*  
4.25

(i) A person subject to an IFBO may apply for an exemption from the condition to surrender a passport or the reporting requirement in respect of specific matches or a series of matches. Such applications have to be considered on the individual circumstances of each case.

(The purpose of an exemption is not, of course, to allow the person to attend the match in question, but rather to allow

the person to carry out some other activity which would not be possible if the passport were surrendered or the reporting requirement enforced).

(ii) Such applications should normally be made in writing to the enforcing authority.

(iii) In cases where the application relates to matches to be played within 5 days of seeking the exemption, the officer responsible for the named police station may deal with the application.

(iv) If practicable to do so, the officer must refer the question of exemption to the enforcing authority and it is for the enforcing authority to determine the application.

(v) If it is not possible for practical reasons to refer to the enforcing authority, the officer may decide the application on the facts available. The officer can exempt the applicant from either the condition or duty to report provided the applicant satisfies the officer that:

- there are special circumstances which justify the exemption; and
- because of those circumstances, he or she would not attend the match if exempted.

(vi) The decision should be notified to the person in writing at that time and a copy sent to the enforcing authority, setting out the reasons for the decision.

(vii) The official record book or central log should be noted to prevent any subsequent action being taken in respect of a suspected breach.

#### *Appeals against refusal to grant exemptions*

4.26

(i) The person may appeal to a magistrates' court against the decision to refuse an exemption.

(ii) The enforcing authority will work closely with the relevant police force on the appeal but will look to assistance from local police and prosecutors to appear on its behalf.

#### *Termination of Orders*

437 On notification of termination of an order, the police should record the detail in the person's IFBO record.

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## **The Role of the Enforcing Authority**

4.28

(i) The principal role of the Football Banning Orders Authority (see section 6) is to follow the order of the court in imposing reporting requirements and passport conditions on those made subject to international football banning orders.

(ii) On making an order, the court will advise the enforcing authority by forwarding a copy of the order.

(iii) It is the function of the authority to issue individual notices to those made subject to an order based on the assessment of risk associated with that individual person attending that particular match.

(iv) The authority will ensure that conditions and reporting requirements, where appropriate, are sent by registered post with sufficient notice to the person.

(v) The authority will consider all applications for exemptions from conditions and/ or reporting requirements except those which are considered by the police and made within five days of the conditions or reporting requirements.

(vi) The authority will maintain

- a central record of all IFBOs issued together with photographs of the person
- a record of all applications for exemption and decisions reached.
- a record of all applications for termination and their outcome.
- an up-to-date record of all extant IFBOs.

(i) The authority will assist the court as required in considering applications for termination or in considering appeals against refusal to grant exemption.

(ii) The authority will provide the police with access to records on all IFBOs issued.

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## Chapter 5: Domestic football banning order

5.1 Part IV of the Public Order Act 1986 came into force on 1 August 1987 and introduced the exclusion order process. This provided the courts with the power to make an order prohibiting a person from attending prescribed football matches. Those matches prescribed by order of the Secretary of State are set out in paragraph 3.3 above.

5.2 The Football (Offences and Disorder) Act 1999 has made a number of significant changes to the process but has maintained the same structure of providing the courts with the power to prevent convicted hooligans from attending any prescribed matches in England and Wales. It should be noted that the domestic football banning order, like its predecessor the exclusion order, is applied to all prescribed matches and should not be issued selectively to particular grounds or to particular matches.

5.3 The changes brought about by the 1999 Act are summarised in chapter 1 above, but it may be helpful to repeat them here:

- exclusion orders are now called domestic football banning orders
- a domestic football banning order will be made for a minimum period of one year and a maximum period of three years
- the relevant period for qualifying offences of 2 hours before the start and one hour after the final whistle is *now from 24 hours*

*before the match until 24 hours after the match*

- the offences for which a DFBO may be issued are those contained in Schedule 1 to the 1989 Act (which makes the relevant offences the same as those for IFBOs)

- the penalty for breach of a DFBO is up to six months imprisonment and/ or a level 5 fine

the offence of breach of an order is an arrestable offence

the court must be satisfied that there are reasonable grounds to believe that an order would help to prevent violence or disorder at or in connection with prescribed football matches  
the court is under a duty to make a DFBO if it is satisfied that the relevant criteria have been met

### The Role of the Courts

#### *When a DFBO may be made*

5.4 A DFBO may only be made where a person is convicted of a football-related offence specified in Schedule 1 to the 1989 Act (see pages 8 & 9 of this Circular). Before making an order, the court must be satisfied that:

(i) the person has been convicted of a football-related offence (see paragraph 5.5 below)

(ii) where relevant the conviction is in connection with an offence committed within the relevant period

(iii) for offences committed away from the ground itself, a declaration of relevance was made

(iv) the making of such an order would help prevent violence or disorder at or in connection with prescribed football matches (see paragraph 5.7 below)

An order may only be made in addition to:

(i) a sentence imposed in respect of the offence of which the accused is (or was) convicted; or

(ii) an order discharging the accused absolutely or conditionally.

20

The Public Order Act 1986 section 30(3), as amended by The Football (Offences and Disorder) Act 1999, section 6(1).

#### *Football-related offences*

5.5 The court must be satisfied that a conviction is for a relevant offence as specified in Schedule 1 to the Football Spectators Act 1989, as amended by the Football (Offences and Disorder) Act 1999. (Prescribed matches are defined at paragraph 3.3 above).

Section 31 of the 1986 Act, as amended by section 7 of the Football (Offences and Disorder) Act 1999.

Section 30 of the 1986 Act, as amended by section 6 of the Football (Offences and Disorder) Act 1999

#### *Declaration of Relevance*



5.6 For offences committed away from the ground or in connection with journeys to or from a designated match, the court may make a declaration of relevance that the offence related to a football match. The court must normally be satisfied that the prosecutor gave notice to the defendant at least five days before the opening day of the trial that it was proposed to show that the offence was football-related.

The Public Order Act 1986 section 31, as amended by The Football (Offences and Disorder) Act 1999, section 7.

*Help to prevent violence or disorder at or in connection with prescribed football matches*

5.7 The court must be satisfied that there are reasonable grounds to believe that making an order would help to prevent violence or disorder at or in connection with prescribed matches.

The Public Order Act 1986 section 30(2), as amended by the Football (Offences and Disorder) Act 1999, section 6(1)

*Duty of the court to make an order*

5.8

(i) The 1999 Act places a duty on the court to make a domestic football banning order provided a person has been convicted of a relevant offence and it is satisfied that there are reasonable grounds to believe that the making of such an order would help to prevent violence or disorder at or in connection with prescribed football matches.

(ii) Where the court has the power to make such an order but does not do so, the court is required to state in open court why it is not satisfied that such reasonable grounds exist.

The Public Order Act 1986 section 30

(1) & (2), as amended by The Football (Offences and Disorder) Act 1999 section 6(1).

*Duration of a domestic football banning order*

5.9

(i) The minimum period of an order is one year with a maximum period of three years.

(ii) In determining the length of the order, courts may wish to consider the nature of the offence which gave rise to the order, the age of the offender and what is known of the offender's general background, character and past record.

(iii) Where a court makes an order in respect of someone already subject to an existing exclusion order, the new order must last at least one year beyond the date on which any outstanding order expires.

The Public Order Act 1986 section 32, as amended by The Football (Offences and Disorder) Act 1999, section 8.

*Explanation of the effect of the order*

5.10 The court is required on making an order to explain the effect of the order to the accused in

ordinary language. The court may wish to consider drawing attention to the following:

- (i) The purpose of the order is to prevent the person from attending any prescribed football match in England and Wales for the duration of the period of the order.
- (ii) That it is an offence to enter premises in breach of the domestic football banning order.
- (iii) That the offender may be arrested without warrant by a constable for such a breach or by a steward or club official on seeking entry to a ground.
- (iv) That breach of the order may render the person liable to a period of up to six months imprisonment and/ or a level 5 fine.

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- (v) If appropriate, that the person is required to report to a specified police station within 7 days of the order to be photographed if a photograph was not taken at the time of arrest or charging process.

The Public Order Act 1986 section 30, as amended by The Football (Offences and Disorder) Act 1999 section 6

*Service of the Order*

5.11 On the making of a DFBO, the court should notify:

- (a) the person to whom it relates
- (b) the chief officer of police in whose force area the offence was committed
- (e) the Chief Executive of the Football Association, at 16 Lancaster Gate, London W23LW
- (d) the Football Banning Orders Authority, at NCIS, through the PNN.

The Public Order Act 1986 section 34 and SI 2460/1999.

*Court order for photographs*

5.12

(i) The taking of photographs must be in accordance with the provisions of the Code of Practice for the Identification of Persons by Police Officers (Code D) issued under the Police and Criminal Evidence Act 1984. This provides, among other things, that photographs may be taken of an arrested person without consent only if:

- (a) the person is arrested at the same time as others; or
- (b) has been charged with a recordable offence and has not yet been released or brought before a court; or
- (e) has been convicted of such an offence and a photograph is not already on record as a result of (a) or (b); or
- (d) an officer of the rank of superintendent authorises it to be taken for the purposes of gathering identification evidence in relation to a

criminal offence.

(ii) In cases where photographs are not available under these circumstances, the prosecution may make application to the court for the issue of an order requiring the person to go to a specified police station within seven days of the order at a specified time or between specified times to have a photograph taken.

(iii) Failure to comply with the order may render the person subject to arrest without warrant for the purposes of having a photograph taken.

(iv) The ability to identify those subject to DFBOs remains a crucial element in the successful implementation of the process. Photographs should be attached to copies of orders issued to the police and the enforcing authority. They should not be forwarded with the copies sent to the Football Association.

The Public Order Act 1986 section 35.

PACE Code D paragraph 4.2

*Termination of an Order*

5.13

(i) The person may apply to the court for the DFBO to be terminated when the order has been in force for at least one year.

(ii) On considering such an application, the court must have regard to:

- the applicant's character
- the applicant's conduct since the order was made
- the nature of the offence which led to the order
- and any other circumstances of the case.

(iii) The enforcing authority may be able to assist the court with some of these issues.

The Justices' Clerk should notify the enforcing authority of the date of the hearing so that information can be made available to the court.

The Public Order Act 1986 section 33(1) & (2)

(iv) If the court refuses an application for termination, a further application cannot be made within six months of the date of refusal.

The Public Order Act 1986 section 33(1) & (2)

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(v) The court may order the applicant to pay all or part of the costs of the application.

The Public Order Act 1986 section 33(1) & (2)

(vi) Notice of termination of an order should be passed to those listed at paragraph 5.11 above.

The Public Order Act 1986 section 33(1)

& (2)

## The Role of the Police

### *Notification of DFBO*

5.14

(i) The courts are required to forward a copy of the order with a photograph, if available, to the chief officer in whose force area the offence was committed.

This does not, of course, indicate that the person follows a team located in that force area. If the force which receives the order is aware of the team that the offender follows on a regular basis and that team is outside the force area or resides at an address outside the force area, then a copy of the order should be forwarded to the relevant force.

(ii) The courts have been requested to forward a copy of all orders and photographs to the Football Banning Orders Authority. The Authority will maintain a central record of DFBOs but forces are encouraged to ensure that where the offender meets the criteria in paragraph (i) above this is communicated to the relevant forces. This should not only provide for more accurate local records but also help to minimise the ability of those persons to attend other matches.

### *Use of photographs - passing copies to clubs*

5.15

(i) The ability to identify persons subject to DFBOs relies significantly on photographic details. CCTV can be used both inside the ground and outside the ground at anticipated trouble spots to scan the crowd. Checks can also be made against the photographic records when viewing tapes after any disorder or violence.

(ii) But even with the help of technology, it remains difficult to identify people subject to bans who attempt to breach them. The police may wish therefore to enlist the help of club staff. There is nothing to prevent the police from passing on to the clubs on a selective basis photographs of those subject to a domestic football banning order.

(iii) Strict criteria must however be applied:

(a) The person must be subject to a banning order which has not elapsed or been terminated

(b) The photographs must be supplied purely for the purposes of excluding the people concerned from the ground

(e) The photographs must be issued to and seen only by those who need to do so for the purpose of preventing entry or identifying individuals inside the ground

(d) All copies of the photographs must be accounted for both before and after each match and subsequent copies must not be taken

(e) When a banning order has elapsed, the police should withdraw the photograph of the person from those supplied to the club

(f) When a banning order has been terminated, the police should withdraw the photograph of the person from those supplied to the club

(g) In the case of an away match, the police may provide copies of photographs relating to the away support to the home club but these must be returned to the police after that particular match.

(iv) The ground or stadium is, of course, private property. Subject to statute or the order of a court, it is a matter for local ground management to decide who will be allowed entry to the ground. In cases where the club has applied a private ban

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i.e. without due process of law, the police should not provide photographs of the individual that they may have in their possession. However, there is nothing to prevent clubs from taking photographic stills from information recorded on their CCTV systems. The club should be encouraged to pass such information to the police to assist in helping reduce violence and disorder in and around grounds. Football Intelligence Officers may wish to consider whether relevant information should be passed to the Football Section for record purposes.

(v) Details of those convicted of offences other than football-related offences should not be passed by the police to the club. Similarly details of those arrested or arrested and charged should not be passed to the club.

#### *Termination of an order*

5.16

(i) The chief officer in whose force area the original offence was committed will be notified by the court of the termination of a domestic football banning order.

The appropriate records should be noted and police should ensure that the person's photograph is withdrawn or withheld from those made available to clubs.

(ii) In considering applications for termination, the courts may approach the Football Banning Orders Authority for information relating to the conduct of the person while the order was in place. The Authority in turn may seek advice from the relevant police forces and every assistance should be provided to ensure

that all relevant information is placed before the court to consider the application.

### **The Role of the Enforcing Authority**

5.17 The authority will:

(i) maintain a central record of domestic football banning orders issued together with photographs of each individual.

The record will be available through Epicentre to all police forces in England and Wales.

(ii) ensure that the record is kept up-to-date and that orders which have either been terminated or expired are deleted from the live record.

(iii) comply with any request from courts to provide information in connection with applications for termination of orders.

The authority will request advice from individual forces where considered appropriate.

### **The Role of the Football Association**

5.18

(i) Copies of orders made and termination of orders will be sent direct to the FA by the courts. This information will assist the FA in considering applications for membership of the England Members' Club and in dealing with requests for tickets for relevant domestic and international matches. At club level, the information can be used in much the same way and in the sale of season tickets. The FA will have responsibility for circulating this information to clubs, Wembley Stadium and the Football Association of Wales.

(ii) The issue of a domestic football banning order is a matter of public record. There is nothing to prevent the FA circulating a list of all those subject to such orders to all those recipients listed above. In doing so, the FA may wish to advise recipients that the information should only be used in connection with preventing those subject to bans from entering stadia.

(iii) It is important that the list is kept up-to-date.

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## **Chapters: The Football Banning Orders Authority**

6.1 Formerly known as the Restriction Orders Authority, the FBOA is a common police service established under section 14(7) of the Football Spectators Act 1989. The expenses of the FBOA are met by the Secretary of State. The Secretary of State has made an order reflecting the change of title of the Authority to the Football Banning Orders Authority to reflect the change of titles for banning orders made under the Football (Offences and Disorder) Act 1999. The role and function of the Authority will not change as a result of the re-titling.

6.2 The FBOA's main task is to maintain a record

of those subject to international football banning orders, to issue notification to individuals of each requirement to report and to consider applications for exemption from the requirement to report. But it is also intended that the Authority will maintain, more effectively, records of domestic football banning orders and collate and prepare statistics for each football season.

6.3 The Authority's role in relation to international and domestic football banning orders is set out in chapter 4 (IFBOs) and chapter 5 (DFBOs) of this circular. They are as follows:

#### *International Football Banning Orders*

##### 6.4

- (i) The FBOA's principal role is to follow the order of the court in imposing reporting requirements and passport conditions on those made subject to international football banning orders.
- (ii) On the issue of an order, the court will advise the enforcing authority by forwarding a copy of the order.
- (iii) It is the function of the authority to issue individual notices to those made subject to an order. The order must relate to the degree of risk associated with that individual person for that individual match.
- (iv) The authority will ensure that conditions and reporting requirements, where appropriate, are sent by registered post to the person with sufficient notice.
- (v) The authority will consider all applications for exemptions from conditions and/ or reporting requirements except those which are considered by the police and made within five days of the conditions or reporting requirements.
- (vi) The authority will maintain
  - a central record of all IFBOs issued together with photographs of the person
  - a record of all applications for exemption and decisions reached
  - a record of all applications for termination and their outcome
  - an up-to-date record of all extant IFBOs
- (i) The authority will provide any assistance required by the court in considering applications for termination or in considering appeals against refusal to grant exemption
- (ii) The authority will provide the police with access to records on all IFBOs issued.

#### *Domestic Football Banning Orders*

##### 6.5 The FBOA will

- (i) maintain a central record of domestic football banning orders issued together with photographs of each individual. The record will be available through Epicentre

to all police forces in England and Wales.

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(ii) ensure that the record is kept up-to-date and that orders which have either been terminated or expired are deleted from the live record.

(iii) comply with any request from courts to provide information in connection with applications for termination of orders.

The authority will request advice from individual forces where considered appropriate.

(iv) consider applications for exemptions from conditions and/ or reporting requirements, except those which may be dealt with locally at force level.

#### *Statistics*

•• Details of the number of arrests are provided by Football Intelligence Officers to the NCIS Football Intelligence Section on a match by match basis. That is a very helpful source of information and should continue.

\*.7 A number of forces maintain records of the number of arrests and the subsequent action taken against the individual concerned. All forces are encouraged to adopt this practice and for the information to be provided on an annual basis on a pro-forma basis to the FBOA. This will provide a significantly-improved statistical base from which to formulate and develop measures to combat hooliganism both locally and nationally; and statistical analysis of the nature of the problem at local level will help in determining the level and scope of resources required for the policing of football matches and surrounding public order incidents arising from such matches.

6-8 The return at Annex P will be sent via Epi-Centre by the FBOA to FIOs at the end of each football season for completion: the information will be published at the start of the following season.

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## **Chapter? The Football (Offences) Act 1991**

7.1 The 1991 Act provides for three offences, all of which are arrestable offences under section 24(2) (e) of the Police and Criminal Evidence Act 1984. These offences are triable summarily only and attract a level 3 fine. This penalty may be accompanied by the imposition of a domestic or international football banning order.

#### *Indecent or racist chanting*

7.2 Section 3 of the 1991 Act, as amended by section 9 of the Football (Offences and Disorder) Act 1999, makes it an offence for a person to engage or take part in chanting of an indecent or racist nature at a designated football match.

13 The 1999 Act amended the definition of chanting for the purpose of the offence. A person may commit the offence by the repeated uttering of any words or sounds **whether alone or in concert with one or more others.**



7.4 "Racialist nature" is defined in the 1991 Act as "consisting of or including matter which is threatening, abusive or insulting to a person by reason of his colour, race, nationality (including citizenship) or ethnic or national origins". The act of chanting itself constitutes an offence. There is no need for an identifiable victim.

7.5 The amendment made by the 1999 Act reflects the seriousness with which this offence is regarded. Racist chanting is particularly obnoxious. It is strongly recommended that enforcement action is taken in appropriate cases and that spectators are made aware that such chanting will not be tolerated.

#### *Throwing an object*

7.6 Section 2 of the Act provides for the offence of throwing an object. Any person at a designated football match who throws anything at or towards:

- the playing area; or
  - any area adjacent to the playing area to which spectators are not normally admitted;
- or
- any area which spectators or other persons may be present

will be guilty of an offence.

7.7 The act of throwing the object constitutes an offence. There is no need to prove that the object was directed at a particular person or that anyone was likely to be alarmed or distressed. It will be a defence that the person acted with lawful authority or lawful excuse. It will be for the defendant to prove such lawful authority or lawful excuse.

#### *Going on to the playing area*

7.8 Section 4 makes it an offence for a person at a designated football match to go on to the playing area or any area adjacent to the playing area to which spectators are not generally admitted without lawful authority or lawful excuse.

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## Chapter S: Arrestable offences

8.1 Sections 24 and 25 of the Police and Criminal Evidence Act 1984 set out criteria for offences which are arrestable i.e. offences for which there is a power of arrest without warrant. Section 24(2) lists those other offences which do not meet the criteria but which by virtue of Section 24(1)(c) have been made arrestable in order to effect proper enforcement of the law.

8.2 In terms of football-related offences, the following offences are arrestable:

- Breach of an international football banning order
- Breach of a domestic football banning order
- Failure to comply with a condition of an international football banning order
- Indecent or racist chanting
- Throwing a missile
- Entering onto the playing area
- Ticket touting

8.3 Section 24 (4) provides that any person may arrest without warrant:

- a) anyone who is in the act of committing an arrestable offence;
- b) anyone whom he has reasonable grounds for suspecting to be committing such an offence

and section 24(5) provides that where an arrestable offence has been committed, any person may arrest without a warrant;

- a) anyone who is guilty of the offence;
- b) anyone whom he has reasonable grounds for suspecting to be guilty of it.

\*j» The powers set out in paragraph 8.3 above are more commonly referred to as a citizens power of arrest. In terms of football hooliganism, there are a number of offences, therefore, in which stewards or club officials employed to deal with safety and security issues may exercise the power of arrest. Where such powers are exercised - as with any citizen - the police should be informed as soon as practicable and a constable called in to deal with the suspect.

8.5 Stewards and club officials should liaise closely with the police on the exercise of this power. Clubs may find it useful to consult with police locally on the practicalities of exercising the power of arrest.

The exercise of the power of arrest imposes a restriction on the liberty of the individual and it is essential that the power is exercised with care and discretion. Proper exercise of the power will enable stewards and club officials to help in dealing with offenders. By obtaining a football-related conviction and subsequent banning order, the person will not only be prohibited from attending matches at the particular ground at which the offence took place but at all designated matches in England and Wales.

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## **Chapter 9: Football-related offences committed outside England and Wales**

9.1 Paragraph 4.19 above mentions the ability of the courts to make a banning order in respect of offences committed overseas. The purpose of this section is to provide greater detail on bilateral agreements with other countries and set out the process by which convictions for those offences may come to be considered by a court in England and Wales with a view to the making of an international football banning order.

9.2 Section 22 of the Football Spectators Act 1989 (the 1989 Act) provides the courts with the power to impose an IFBO on football hooligans convicted of an offence in a country or territory outside England and Wales if that offence has been specified in an Order in Council as corresponding to any offence in Schedule 1 to the 1989 Act.

9.3 Prior to an Order in Council being made by Parliament, agreement is sought between the UK Government and the country or territory concerned as to what constitutes a football-related offence in each country. If there is common recognition of offences under the separate legal systems, administrative agreement is reached on the nature of the mutual offences, the process by which details of convictions will be passed between the respective jurisdictions, and the provision of information on whether there are outstanding appeal proceedings. The agreement is then subject to Parliamentary approval and, if agreed, an Order in Council is made.

9.4 The Order in Council may include provision specifying the documentary form in which details of conviction are conveyed. A document in the form specified in the Order in Council shall be admissible in any proceedings undertaken under the 1989 Act unless the contrary is proved.

When notification has been received that a corresponding offence has been committed in that country, the Football Banning Orders Authority will place the information before the chief officer of police in whose force area the person resides. It will then be a matter for the chief officer to consider laying that information before local magistrates. The magistrates should then consider the issue of a summons to bring the person before the court so that the court may consider making an international football banning order.

Section 22 of the Football Spectators Act 1989 as amended by The Football (Offences and Disorder) Act 1999 section 5

9.5 The court may wish to use its powers to adjourn the proceedings under section 22(6) of the 1989 Act to allow witnesses or evidence to be called or to assist the magistrates in establishing that there are reasonable grounds to believe that the order would help prevent trouble at or in designated matches outside England and Wales.

9.6 A specimen form of IFBO, form of summons, form of warrant of arrest and form of information are attached at Annexes G to J respectively. The court will follow the procedures for consideration and making of the IFBO referred to in chapter 4 above.

9.7 The term of any IFBO imposed will be subject to the same minimum and maximum periods that apply to the making of any other IFBO.

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## Chapter 10: Alcohol & sporting events

10.1 The Sporting Events (Control of Alcohol etc) Act 1985 sets out provisions to deal with alcohol at and in connection with travel to or from sporting events. Section 9 of the Act provides for the Secretary of State to designate by order sports grounds and sporting events under the Act.

*"Designated sports ground" dr "designated classes of sporting events"*

10.2 The Sports Ground and Sporting Events (Designation) Order 1985 (SI 1985 No. 1151), as amended by the Sports Grounds and Sporting Events (Designation) (Amendments) Order 1987 No. 1520 and the Sports Grounds and Football (Amendment of Various Orders) Order 1992 (SI 1992 No. 1554), applies the designation process only to football grounds and football matches.

10.3 The designated sports grounds are as follows:

- (i) the home grounds of all association football clubs who are members of the Football Association or the Football Association of Wales
- (ii) any other ground in England and Wales used occasionally or temporarily by such a club
- (iii) Wembley Stadium
- (iv) any ground not already specified above in England and Wales used for any international association football match
- (v) Shielfield Park, Berwick-upon-Tweed

10.4 The designated classes of sporting events are as follows:

- (i) football matches in which one or both of the participating teams represents a club which is a full or associate member of the FA Premier League or The Football League;
- (ii) international football matches

(iii) football matches not already specified in point (i) of this paragraph in competition for the European Cup, the Cup Winners' Cup (now of course discontinued) or the UEFA Cup

(iv) matches played within the jurisdiction of the Scottish Football Association

10.5 For matches played in England and Wales:

- the Act will only apply if both ground and event are designated i.e. non-football events at football grounds or designated sports grounds will not fall within the provisions of the Act
- reserve and youth team matches of FA Premier League and Football League teams are considered to be within a designated class of sporting event for the purpose of paragraph 10.4 (i) above. But, in order for the provisions of the Act to apply, matches must be played at the home ground or any other ground used occasionally or temporarily by the club and not just by the reserve or youth team.

- the period of a designated sporting event (football match) is from two hours before kick-off until one hour after the final whistle; or, if earlier, two hours before the advertised start time and one hour after the end of the match.

- the relevant provisions of the Act apply to travel on football coaches or trains used for the principal purpose of attending a designated match at a designated ground in England and Wales.

10.6 For matches played outside England and Wales, two classes of matches are designated:

(a) football matches held outside Great Britain in which at least one team is representing:

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(i) The Football Association

(ii) The Football Association of Wales

(iii) The FA Premier League

(iv) The Football League

(b) football matches outside Great Britain in which at least one team from the FA or FA of Wales is competing in a UEFA based competition.

10.7 Supporters travelling to a match outside Great Britain would be subject to the provisions of section 1 until they left England and Wales.

10.1 Supporters travelling from or through England and Wales to a designated match in Scotland would be caught by section 1 until they reached the Scottish border. On reaching the border, the provisions of the Criminal Justice (Scotland) Act 1980 would come into effect, which are similar to section 1 of the 1985 Act. Therefore, the whole of the journey from the starting point in England and Wales to the final destination in Scotland is controlled.

10.9 Annex Q sets out the provisions of the 1985 Act.

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## Chapter 11: National Criminal Intelligence Service - Football Intelligence Section

11.\* The aims of the Football Intelligence Section are to:

- provide a central point for the collection, analysis and dissemination of intelligence
- provide for better co-ordination of police operations in relation to serious and persistent football hooliganism
- promote effective collation of intelligence by individual forces
- provide a channel for communication with foreign police forces on intelligence and supporter traffic information
- assess the extent and nature of football hooliganism and its criminal associations nationally
- provide technical and operational support where appropriate on the use of optical evidence gathering and the preparation and presentation of such evidence before the courts.

11.2 The section is supported in seeking to achieve these aims by Football Intelligence Officers (FIOs) appointed at local force level to each club in the FA Premier League or the Football League. The role of FIOs is to collate information on local football hooligan activity and this should be forwarded to the Football Intelligence Section for appropriate analysis and dissemination. FIOs should also make contact directly with their counterparts in relation to each fixture. Chief officers should make available information to the Football Intelligence Section on:

- the most serious and persistent individual football hooligans and gangs
- methods adopted e.g. travel arrangements, tactics employed, weapons used
- current police operations in this area
- in particular, details of active hooligans known to travel widely within the UK or overseas
- the outcome of post-match investigations.

11.3 The Football Intelligence Section has a computer system providing text and image retrieval. Forces are particularly requested when forwarding information to include photographs or video recordings of the person or persons involved. The Football Intelligence Section is able to offer advice to forces on the optimum use of video and photographic equipment for intelligence and evidence gathering processes.

11.4 On major international matches and championships, the Football Intelligence Section acts as a channel of communication with overseas police forces for supporter traffic information i.e. information on numbers travelling, routes, dates of travel etc. Requests for UK police liaison officers to attend matches abroad to advise on tactics or intelligence should be routed through the Football Intelligence Section, and similarly

with requests from overseas police officers to act as liaison officers to attend matches in the UK.

11.5 The Football Intelligence Section manage a "Football Hooligan Hotline" for members of the public who wish to volunteer information about football hooligans to the police. The line is confidential and information can be given on an anonymous basis. All calls are recorded on an automatic telephone answering facility. The number is 0800 515495.

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## Chapter 12: 'Police-free' matches

12.1 The term 'police-free' matches is perhaps a misnomer as it is extremely unlikely that police resources will not be devoted to a designated football match in some form or other. The term has primarily arisen to describe those matches where there is no police presence inside the ground.

12.2 Police-free matches are becoming increasingly common. At the start of each season, police and the club will go through the season's fixtures. They will consider matches on the basis of the level of risk of football hooliganism and the need for a police presence. Nearer to the match, taking into account intelligence information, the club will consider in conjunction with the local police commander and the local authority whether there should be a police presence inside the ground.

12.3 There are a number of policing considerations to take into account for such matches. Policing operations at matches tend to adopt a fairly standard approach. Stewarding may not reach that same level of consistency. This may mean that away supporters are treated differently at each venue, causing confusion and perhaps resentment; stewards are neither trained nor competent to deal with public order situations. This may lead to situations escalating rather than being quickly defused by effective police action.

12.4. In addition, a police presence inside grounds can provide valuable intelligence and operational information. This may be lost even if the ground safety officer acts as a communication point between stewards and police.

12.5 These are all matters for operational consideration. It is an operational matter for chief officers to determine that there are adequate safety and security arrangements in place in relation to the risk assessment for a particular match before agreement is reached that there should be no police presence inside the ground.

12.6 In cases where such agreement is reached, chief officers may wish to consider whether an officer may be placed inside the ground for the purposes of intelligence gathering. There appears to be no overriding duty on a constable in such circumstances to assume responsibility for any situation which may arise in the course of a match, irrespective of whether or not it would

seem the most appropriate course of action in those circumstances.

12.7 In the circumstances described in paragraph 12.6 above, it would be appropriate for the police to agree with the local ground manager and the local authority the course of action to be followed should an incident occur inside the ground requiring a police presence. This should detail an external point of telephone contact for police assistance with an agreed call-out time. It should also make clear that any officer or officers inside the ground are there for the specific purpose of intelligence gathering. The agreement should form part of the safety certificate.

12.8 Chief officers should also consider whether any officer or officers inside the ground for intelligence-gathering purposes should or should not be in uniform.

12.9 For the sake of clarity, matches with no police presence inside the ground should be referred to as "club security only" matches; matches with an officer inside the ground for intelligence gathering purposes as "intelligence only" matches; and matches with a reduced police presence inside the ground as "reduced policing" matches. These definitions do not, of course, overlook the policing commitment outside and away from the ground.

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## Chapter 13 Charging for Policing Football Matches

### *Statutory Position*

13.1 Section 25(1) of the Police Act provides that:

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*"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 authority of charges on such scales as may be determined by that authority".*

The presence of police officers within football grounds falls within that provision.

3.1 Section 1(1) of the Safety of Sports Grounds Act 1975 requires the issue of safety certificates by the local authority for stadia designated by the Secretary of State. The safety certificate contains such rules and conditions as the local authority consider necessary or expedient to secure reasonable safety at the ground. Where certificates require the holder to arrange for the attendance of an adequate number of police officers within the ground, the extent of the provision of police services must be reserved for the determination of the chief officer of police in whose area the safety certificate applies.

### *Extent of Charges*

13.3 It is Government policy that the costs of special services should be paid in full by those using the service and that no part of these costs should be allowed to add to the general level of police expenditure. Charges should be reviewed and adjusted as necessary on an annual basis.

13.4 The aim in principle should be to recover



the full cost of:

- those police officers who are deployed at football matches on the private property of the football club; and
- where officers are posted outside the ground for part of their tour of duty and inside it for the remainder, the full cost of their time spent inside should also be recovered.

13.5 "Full cost" means the total cost of:

- a police officer including pay
- overtime
- national insurance
- notional pension charges
- travel costs
- rent allowance
- compensatory grant
- uniform
- administrative costs

13.6 In calculating charges, police authorities are recommended to follow the methodology set out in the Audit Commission in their report 'Taking Care of the Coppers', Annex R.

#### *Charging and deployment policies*

13.7 There must be a direct link between deployment and charges if the full cost is to be recovered. It may be under present arrangements that the force do not always charge for all the officers it finds necessary to deploy for duty on the club's private property. One reason may be that forces charge only for the number of officers mentioned in an agreement reached with the club but on occasions consider a greater police presence is required inside the ground because of the risk assessment for a particular match. Forces should consider reviewing such arrangements and making agreements which specifically provide for such special circumstances.

13.8 It may also be that some forces determine charges on a fixed rate formula of a police presence in relation to the expected level of attendance. It may be that this does provide economic cost recovery but in those situations where an additional police presence is considered necessary because of the circumstances of a particular match, charges may fall some way short of full economic recovery.

13.9 It is recognised that local circumstances cannot be ignored. Facilities that aid crowd control are less likely to be of a high standard at clubs who are least able to pay the full economic

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cost of policing. In addition, the financial plight of some clubs is a significant consideration and asking for full economic recovery could lead to problems with recovering the debt and severe financial problems for the club. It may be in those situations that clubs do and will continue to make greater use of stewards to provide safety and security arrangements.

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## **Chapter 14: Other issues**

### **(a) Attaching conditions to bail**

14.1 The powers of the police and courts in

relation to bail have not been affected by the 1999 Act; the range of conditions that can be attached to bail by the police and the courts is in any case flexible and extensive. The type of conditions which may be imposed are not defined in legislation, thereby giving the police and the courts discretion to attach whatever conditions they think appropriate in any particular case. The only limitations are that they must be operable and, in the case of police bail, that a requirement to reside in a bail hostel may not be imposed.

14.2 The circumstances of the offence and the character of the offender will guide the police and the court towards any conditions that may be imposed in a particular case. The police and the courts can, for example, impose conditions such as a requirement not to enter a certain town or not to go within a specified distance of a named football ground or grounds. These conditions may be appropriate in the case of a person who has been bailed in connection with a football-related offence.

14.3 In those cases where a person has been arrested or charged for an offence which is not football-related, it is still possible, where appropriate, for the prosecution to propose a condition of bail with a view to the prevention of football-related violence or disorder. In such cases it will be a matter for the prosecution to show to the court that the individual concerned is likely to cause loss or damage to property or to cause acts of violence or disorder at or in connection with a football match or matches.

The condition will have to specify the exact nature of the restriction on the individual. In those situations where the police or court consider that the individual is likely to cause violence or disorder at football matches per se, the bail condition may require the person not to go within a specified distance of any designated football match on match day.

14.4 When consideration is being given to withdrawal of passport on the basis of potential attendance at an overseas football match, there must be reasonable grounds to believe that such a condition is necessary to prevent the commission of further offences.

Section 3A of the Bail Act 1976 as inserted by section 47 of the Police and Criminal Evidence Act 1984, as amended by section 27 of the Criminal Justice and Public Order Act 1994.

#### *Court Bail*

14.5 The Bail Act 1976 establishes a presumption in favour of bail. The Act provides that any person who is accused of an offence and is before the magistrates' court shall be granted bail unless one of the exceptions listed in the Act applies.

14.6 A court may withhold bail in the case of a person accused of an imprisonable offence if it is satisfied that there are substantial grounds for believing that, if released on bail, that person would abscond, commit an offence, interfere with witnesses or otherwise obstruct the course of justice.

#### *Police Bail*

14.7 The police have the power to grant bail to a person charged with a criminal offence, pending that person's appearance before a magistrates' court. A person charged with an offence must be released either with or without bail, subject to certain exceptions.

14.8 The circumstances in which the police may keep an arrested person in detention after charge are set out in section 38(1) of PACE. When sufficient evidence exists to justify a charge against the defendant, the custody officer must decide whether to release the person on police bail after charge or to remand in police detention until the next available court sitting. If the custody officer decides to release the person on bail, the custody officer may attach any conditions which may be considered appropriate (save for the exception in paragraph 14.1).

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### **(b) Probation Orders**

14.9 Under Schedule 1(A) to the Powers of Criminal Courts Act 1973, courts may make it a condition of a probation order that offenders do not travel abroad to or in connection with or at the time when designated football matches involving teams from England and Wales are played outside England and Wales. Where probation services consider that defendants are charged with or convicted of football-related offences, they may remind the courts of their powers and request that they consider a condition of probation that the person should not travel to a designated football match.

### **(c) Ticket Touting**

14.10 Section 166 of the Criminal Justice and Public Order Act 1994 makes it an offence for an unauthorised person to sell, or offer or expose for sale, a ticket for a designated football match in any public place or place to which the public has access or, in the course of a trade or business, in any other place.

14.11 Section 166 has been amended by section 10 of the Football (Offences and Disorder) Act 1999. This extends the present definition to designated matches played outside England and Wales.

14.12 Football authorities and tournament organisers are strongly encouraged to make public details of those outlets or individuals that are authorised. This is to help supporters to identify authorised points of sale and to assist police and enforcement authorities in identifying potential rogue operators and breaches of this provision.

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**LIST OF FOOTBALL RELATED LEGISLATION ANNEX A**  
**Statute**

- Safety of Sports Grounds Act 1975
- The Fire Safety and Safety of Places of Sport Act 1978
- Licensed Premises (Exclusion of Certain Persons Act) 1980
- The Sporting Events (Control of Alcohol etc) Act 1985
- The Public Order Act 1986
- The Fire Safety and Safety of Places of Sport Act 1987
- The Football Spectators Act 1989
- The Football (Offences) Act 1991
- The Sporting Events (Control of Alcohol etc) (Amendment) Act 1992
- The Criminal Justice and Public Order Act 1994
- The Football (Offences and Disorder) Act 1999

**Statutory Instruments**

**Order under the Public Order Act 1986**

- The Public Order (Domestic Football Banning Order) 1999 No.2460

**Orders under the Football Spectators Act 1989**

- The Football Spectators Act 1989 (Commencement No.1 ) Order 1990 No. 690
- No. 732 The Football Spectators (Designation of Football Matches outside England and Wales)
- Order 1990.
- The Football Spectators Act 1989 (Commencement No. 2) Order 1990 No. 926
- The Football Spectators (Corresponding Offences in Italy) Order 1990 No. 992
- The Football Spectators (Corresponding Offences in Scotland) Order 1990 No. 993
- The Football Spectators Act 1989 (Commencement No. 3) Order 1991 No. 1071
- The Football Spectators (Corresponding Offences in Sweden) Order 1992 No. 708

The Sports Grounds and Football (Amendment of Various Orders) Order 1992 No. 1554  
The Football Spectators (Corresponding Offences in Italy, Scotland and Sweden) (Amendment)  
Order 1992 No. 1724  
The Football Spectators Act 1989 (Commencement No.4 ) Order 1993 No. 1690  
The Football Spectators (Seating) Order 1994 No. 1666  
The Football Spectators (Seating) Order 1995 No. 1706  
The Football Spectators (Corresponding Offences in Norway) Order 1996 No 1634  
The Football Spectators (Corresponding Offences in the Republic of Ireland)  
Order 1996 No 1635  
The Football Spectators (Seating) Order 1997 No. 1677  
The Football Spectators (Corresponding Offences in France) Order 1998 No. 1266  
The Football Spectators (Seating) Order 1998 No. 1599  
The Football Spectators (Seating) Order 1999 No. 1599  
The Football Spectators (Designation of Enforcing Authority) Order 1999 No.2459  
The Football Spectators (Designation of Football Matches in England and Wales)  
Order  
1999N0.2461

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***Orders under the Football (Offences) Act 1991***

The Football (Offences) Act 1991 (Commencement) Order 1991 No 1564  
The Football (Offences) (Designation of Football Matches) Order 1999No.2462  
Orders under the Safety of Sports Grounds and Fire Safety and Safety of  
Places of Sports

**Acts**

The Safety of Sports Grounds Act 1975 (Commencement) Order 1975 No. 1375  
The Safety of Sports Grounds (Designation) Order 1976 No. 1264  
The Safety of Sports Grounds (Designation) Order 1977 No. 1323  
The Safety of Sports Grounds (Designation) Order 1978 No. 1091  
The Safety of Sports Grounds (Designation) Order 1979 No. 1022  
The Safety of Sports Grounds (Designation) Order 1980 No. 1021  
The Safety of Sports Grounds (Designation) Order 1981 No. 949  
The Safety of Sports Grounds (Designation) Order 1982 No. 1052  
The Safety of Sports Grounds (Designation) Order 1983 No. 962  
The Safety of Sports Grounds (Designation) Order 1984 No.942  
The Sports Grounds and Sporting Events (Designation) (Scotland) Order 1985 No. 1224  
The Safety of Sports Grounds (Association Football Grounds) (Designation) Order 1985  
No. 1063  
Sports Grounds and Sporting Events (Designation) Order 1985. No.1151  
The Safety of Sports Grounds Act (Extension to Football Grounds) Order 1986 No. 1044  
The Safety of Sports Grounds (Amendment) Regulations 1986 No. 1045  
The Safety of Sports Grounds (Designation) (Scotland) Order 1243  
The Safety of Sports Grounds (Designation) Order 1986 No. 1296  
Sports Grounds and Sporting Events (Designation) (Amendment) Order 1987 No.  
1520  
The Safety of Sports Grounds (Designation) Order 1987 No. 1689  
The Fire Safety and Safety of Places of Sport Act (Commencement No. 1) Order  
1987 No. 1762  
The Safety of Sports Grounds Regulations 1987. No. 1941  
The Fire Safety and Safety of Places of Sport Act 1987 (Commencement No.2) Order  
1988  
No.485  
The Fire Safety and Safety of Places of Sport Act 1987 (Commencement No  
3)(Scotland) Order

1988 No 626

The Fire Safety and Safety of Places of Sport Act 1987 (Commencement No.4)

Order 1988

No. 1806

The Safety of Places of Sport Regulations 1988 No. 1807.

The Safety of Sports Grounds (Designation) Order 1988 No. 1975.

The Sports Grounds and Sporting Events (Designation) (Scotland) (Amendment)

Order 1989 No

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The Safety of Sports Grounds (Designation) (Scotland) Order 1989 No 2434

The Safety of Sports Grounds (Designation) Order 1992 No. 607

The Safety of Sports Grounds (Designation) Order 1993 No. 2090

The Safety of Sports Grounds (Designation) Order 1995 No. 1990

The Safety of Sports Grounds (Accommodation of Spectators) Order 1996 No 499

The Safety of Sports Grounds (Designation) Order 1996 No. 2648

The Safety of Sports Grounds (Designation) Order 1997 No. 1676

The Safety of Sports Grounds (Designation) Order 1998 No. 1845

The Safety of Sports Grounds (Designation) Order 1999 No. 1930

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#### **ANNEX B**

*These notes refer to the Football (Offences and Disorder) Act 1999*

*which received Royal Assent on 27<sup>th</sup> July 1999*

### **FOOTBALL (OFFENCES AND DISORDER) ACT 1999**

#### **EXPLANATORY NOTES**

##### **INTRODUCTION**

1. These explanatory notes relate to the Football (Offences and Disorder) Act 1999 which received Royal Assent on 27<sup>th</sup> July 1999. They have been provided by the Home Office in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.

2. The notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section

does not seem to require any explanation or comment, none is given.

##### **BACKGROUND**

3. At present measures aimed at football hooliganism and other problems associated with football matches are contained in the Public Order Act 1986, the Football Spectators Act 1989, the Football (Offences) Act 1991 and the Criminal Justice and Public Order Act 1994.

4. The Public Order Act 1986 ("the 1986 Act") enables exclusion orders to be made in respect of persons convicted of football-related offences in England and Wales. The effect of an exclusion order is to prohibit a person from attending prescribed football matches in England and Wales.

5. The Football Spectators Act 1989 ("the 1989 Act") enables restriction orders to be made in respect of persons convicted of football-related offences in England and Wales or

overseas. The effect of a restriction order is to require a person to report to a police station on the occasion of designated football matches outside England and Wales.

This is designed to prevent hooligans from travelling to games abroad.

6. Broadly speaking, the offences in respect of which exclusion orders and restriction orders can be made are offences of violence or disorder-

- which occur at or in the neighbourhood of a football ground and during the period from two hours before a match starts until one hour after it ends; or
- which occur on a journey to or from a football match.

7. Section 3 of the Football (Offences) Act 1991 ("the 1991 Act") makes it an offence for

a person to take part with others in indecent or racist chanting.

8. Section 166 of the Criminal Justice and Public Order Act 1994 ("the 1994 Act") creates an offence of ticket-touting in respect of tickets for football matches in England and Wales.

9. In recent years, hooliganism inside football grounds has decreased. There are still isolated incidents, but trouble associated with football now tends to happen away from the stadium, in the streets or in bars. It often occurs several hours outside the time limits set in the legislation and those responsible do not necessarily attend the match. Violence at matches held overseas, which can extend for several days either side of the match, is also inadequately covered by the present legislation. The result is that the courts often do not have the power to make exclusion or restriction orders in relation to those convicted of football hooliganism.

#### **Recent Developments**

10. In November 1998, the Government issued a consultation document, entitled the Review of Football-Related Legislation, which set out suggested changes to improve and strengthen the existing legislation relating to football. The measures proposed would provide recourse to the law to prevent a range of offenders from attending matches in this country and travelling to and attending designated matches abroad.

11. Respondents generally welcomed the measures proposed. They also recognised the need to ensure that the law-abiding supporter was able to attend and watch football matches in a safe and secure environment. Respondents also recognised that the recommendations of the consultation document were aimed at targeting those individuals who choose to disrupt football.

#### **The ACT**

12. The Act has three main purposes. First, it widens the circumstances in which the courts may make orders under the 1986 and 1989 Acts. Secondly, it aims to improve the effectiveness of such orders. Thirdly, it extends the ambit of the offences of ticket-touting and indecent or racist chanting.

#### **COMMENTARY ON SECTIONS**

##### **Section 1: International football banning orders**

13. This section amends section 15 of the 1989 Act. One of the effects of the section is to change the name of "restriction orders" to "international football banning orders".

The main effect of the section is to place a duty on the court, in a case where a person is convicted of a football-related offence, to make an international football banning order if it is satisfied that there are reasonable grounds to believe that making the order would help prevent violence or disorder at or in connection with designated overseas football matches.

The section also provides that a court which does not make an order must state in open court the reasons why it is not satisfied that such reasonable grounds exist.

##### **Section 2: Relevant offences**

14. This section amends Schedule 1 to, and certain other provisions of, the 1989 Act. The Schedule lists the offences in respect of which a court may make an international football

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banning order. The effect of the amendments is to add to, and widen the scope of, those offences.

15. The section adds to the Schedule certain offences of violence or disorder which are not committed at a football ground or on a journey to a football match but which are committed within 24 hours of a designated football match and which relate to that match.

The section also adds the offence of ticket-touting to the Schedule. In addition, the offences in the Schedule are extended to cover attempts, conspiracy and incitement to commit such offences and aiding and abetting, counselling or procuring the commission of such offences.

Finally, the meaning of journey in paragraphs (f) to (l) of the Schedule is extended in such a

way that a journey may include breaks and that a person may be regarded as on a journey to

a match even though he does not attend or intend to attend the match.

### **Section 3: Conditions and duty to report**

16. This section amends the 1989 Act so as to confer powers on the courts to impose conditions when making an international football banning order. Those conditions may

include conditions with respect to the surrender of passports. A person may not be required

to surrender his passport more than five days in advance of a requirement to report and his

passport must be returned as soon as reasonably practicable after the match in question has

taken place. The section creates an offence of failing to comply with such conditions. The

enforcing authority will retain the ability to grant exemptions from any requirement to report

and may grant exemptions from any requirement to comply with such conditions. The section also places a requirement on the person subject to a reporting requirement to report

to a named police station in England and Wales. This removes the ability of a person subject to

an order to attend a police station of their choice without prior indication to that police station or to the enforcing authority.

### **Section 4: Duration and termination of orders**

17. Section 4 amends the 1989 Act so as to increase the minimum and maximum periods

for which an international banning order is to have effect. In a case where a person has

received a custodial sentence which is not suspended, the maximum period becomes ten

years and the minimum period becomes six years. In any other case, the maximum period

becomes five years and the minimum period becomes three years. The section also



provides that a person may apply to the court for an order to be terminated when at least

two-thirds of the period for which it has effect has expired.

#### **Section 5: Offences outside England and Wales**

18. This section amends section 22 of the 1989 Act, a provision which enables international banning orders to be made in respect of offences committed outside England and Wales which correspond to those in Schedule 1 to that Act. The section enables the

period within which a corresponding overseas offence may be committed to be longer than

that for the equivalent offence in Schedule 1. The section places similar duties on the courts

to those mentioned in connection with section 1. The section also simplifies the process

under which details of convictions for corresponding football-related offences committed

outside England and Wales are provided.

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#### **Section 6: Domestic football banning orders**

19. This section replaces section 30 of the 1986 Act. One of the effects of the section is to change the name of "exclusion orders" to "domestic football banning orders". The section places similar duties on the courts to those mentioned in connection with section 1.

In addition, the Crown Court is given the power to make such orders in cases where persons

are committed for sentencing. This brings section 30 into line with section 15 of the 1989 Act.

#### **Section 7: Offences to which section 31 of 1986 Act apply**

20. This section replaces section 31 of the 1986 Act. The effect of the section is that the

offences in respect of which a domestic football banning order can be made are the same as

those in respect of which an international football banning order can be made, namely,

those in Schedule 1 to the 1989 Act.

#### **Section 8: Effect of orders etc**

21. This section amends the 1986 Act. The section provides for a domestic football banning order to have effect for a minimum period of one year and a maximum period of

three years. The penalty for breach of a domestic football banning order is increased. This

will bring the domestic football banning order into line with the present arrangements for

breach of an international football banning order. The section also makes breach of a domestic football banning order an arrestable offence for the purposes of the Police and

Criminal Evidence Act 1984.

#### **Section 9: Indecent or racist chanting**

22. This section amends the offence of indecent or racist chanting at designated football matches which is contained in section 3 of the 1991 Act. The effect of the amendment is that the offence can be committed by an individual who engages in such

chanting on his own. At present the offence is only committed if a person takes part in such

chanting with others.

**Section 10: Sales of tickets by unauthorised persons**

23. This section amends the offence of ticket-touting which is contained in section 166 of

the 1994 Act. At present the offence only extends to the sale of tickets for designated football matches in England and Wales. Section 10 will extend the offence to the sale of

tickets for designated football matches played overseas.

**COMMENCEMENT**

24. The Act will come into force on 27<sup>th</sup> September 1999 but will not apply to offences or orders made before that day.

**Date**

16 April 1999

5 May 1999

Parliamentary Stage

Commons Second Reading

Commons Committee

Hansard Reference

Columns 470 - 533

Standing Committee D

Columns 1 - 30

11 June 1999

15 July 1999

23 July 1999

26 July 1999

Commons Report and Third

Reading

Lords Second Reading

Lords Committee and Report

Lords Third Reading

Columns 885 - 948

Columns 601 -615

Column 1267

Column 1294

*These notes refer to the Football (Offences and Disorder) Act 1999 which received Royal Assent on 27<sup>th</sup> July 1999*

**Annex C**

FBOA1

*For use by a magistrates' court*

**FORM OF INTERNATIONAL FOOTBALL BANNING ORDER**

**Issued under section 15 of the Football Spectators Act 1989**

..... **Magistrates' Court**

1. Whereas the ..... Magistrates' Court convicted

Name ..... of

Address .....

.....Date of Birth .....

on .....

of the \*offence of/enactment contravened .....

2. Whereas that offence is a relevant offence for the purposes of section 14 of, and Schedule

1 to, the Football Spectators Act 1989 since it falls within paragraph.....of that Schedule.-

*The court should complete the following paragraphs as appropriate and delete those that do not*

*apply. \* Delete as appropriate*

The offence was committed at .....(time) on .....(date)\* at/while entering/  
trying to enter/ leaving/ trying to leave/ on a journey to/ during a period relevant to  
(within the meaning of section 1 (8) or (8A) of that Act)/ or related to the sale of tickets for the football match  
at.....ground at.....(time) on .....(date) being a match designated for the purposes of Part 1 or Part 11 of the Football Spectators Act 1989.  
\*[and the court has made a declaration of relevance (within the meaning of section 14(9) of the Act) in respect of that offence -  
(iii) after the prosecutor had given notice in accordance with section 23(1) of that Act; or  
(iv) after the defendant consented to waiving the giving of full notice by the prosecutor or  
(v) and the court is satisfied that, notwithstanding the prosecutor has not given full notice in accordance with section 23(1) of that Act the interests of justice do not require more notice to be given;]

3. And whereas the court is satisfied that there are reasonable grounds to believe that making an international football banning order in relation to the person named above would help to prevent violence or disorder at or in connection with football matches designated for the purposes of Part H of the Football Spectators Act 1989.

45  
Now, therefore, it is hereby ordered as follows:

**ORDER**

The above-named person shall be subject to an international football banning order and must

report initially to ..... Police Station at .....within the period of five days beginning with the date of the making of this order.

Subsequently that person must, during the duration of the order but subject to any exemption,

\*submit his/her passport and report on the occasion of football matches which are played outside

England and Wales and have been designated for the purposes of Part II of the Football

Spectators Act 1989 when required to do so under section 19(3)(b) of that Act to that or any other

named police station in England and Wales at the time or between the times specified in the

notice by which the requirement is imposed.

**DURATION OF ORDER**

Period ..... Final date of order .....

Signed .....

Mustice of the Peace

\*By order of the court, Clerk to the ..... Magistrates' Court

(\*Delete as appropriate)

Date .....

**NOTES**

1. You are required to report within 5 days of the making of the international football banning

order to report to the police station named in that order. If you have been sentenced to a period of immediate imprisonment you must report to that police station within five days of your discharge.

2. If you fail, without reasonable excuse, to report as required by the court you may be guilty of an offence which carries a maximum penalty of imprisonment for six months or a level 5 fine or both.

3. You will be informed by notice from the Football Banning Orders Authority when you will be required \*to surrender your passport and/to report at the time a designated football match taking place outside England and Wales. You will have to 'surrender the passport and report to the police station named in this order, although if your circumstances change, you may subsequently apply to the named police station to report to another named police station in England and Wales.

4. If very special circumstances would prevent you from \*submitting your passport or reporting to a police station as required by the above Authority (and would also prevent you from attending the football match being played abroad) you may apply in writing to that Authority to seek an exemption for that occasion. Where the match in question is five or less days away, you should immediately contact the named police station. If the exemption is not granted, you may lodge an appeal to the court. If the appeal fails you may be asked to pay all or any part of the costs of the proceedings.

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5. After the international football banning order has been in force for a period of at least two thirds of the period given by the court, you may apply to your local magistrates' court to terminate the order. If the application fails you may be asked to pay all or any part of the costs of the application. The court will take into account your conduct during the year and any other relevant factors before making a decision on your case.

6. The police station named in this order will be notified of this order and provided with a copy indicating your initial reporting requirements. They will initiate any relevant action should you fail to comply with the order.

**7. On reporting to the police station, you should submit this order, proof of your identity and current address and three passport sized photographs.**

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ANNEXES

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- Annex B Explanatory Notes to the 1999 Act
- Annex C Form FBOA 1 - Initial Reporting (Magistrates' Court Use)
- Annex D Form FBOA 1A - Initial Reporting (Crown Court Use)
- Annex E Form FBOA 2 - Termination Order (Magistrates' Court Use)
- Annex F Form FBOA 2A - Termination Order (Crown Court Use)
- Annex G Form FBOA 3 - Form of Information
- Annex H Form FBOA 4 - Form of Summons
- Annex I Form FBOA 5 - Form of Warrant of Arrest
- Annex J Form FBOA 6 - Form of IFBO (overseas offences)
- Annex K Form FBOA 7 - For use on initial reporting (police use)
- Annex L Form FBOA 8 - Laminated registration card (police use)
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- Annex N Form FBOA 10 - Letter advising reporting requirements (FBOA use)
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- Annex P Statistical Return by police forces to FBOA
- Annex Q Summary of Sporting Events (Control of Alcohol etc) Act 1985
- Annex R Calculating charges for policing football matches

Further information on the content of this Circular can be obtained from:

*Home Office*  
*Operational Policing Policy Unit*  
*Room 541*  
*Queen Anne's Gate*  
*London SW1H9AT*  
 Tel: 0207 273 3168/3949

3

**ANNEX D**

*FBOA 7A*  
*Crown Court*

**In the Crown Court**

**at**

**Case No:**

**Court Code:**

International Football Banning Order made under the Football Spectators Act 1989

The defendant Date of birth

whose address is/was

was convicted on

at the magistrates' court at

A. A football match at ..... on ..... was of a description which

is designated for the purposes of

Part 1 or Part II of the Football Spectators Act 1989;

The offence(s) were relevant for the purposes of section 1 and Schedule 1 of the Football Spectators Act 1989, because it falls within paragraph ..... of that Schedule.

B The offence was committed at ..... (time on ..... (date) \* at/ while entering/ trying to enter/ leaving/ trying to leave/ on a journey to/ during a period relevant to (within the meaning of section 1(8) or (8A) of that Act) or related to the sale of tickets for a football match.

[C. The Court made a declaration of relevance for the offence(s).]

(a) being satisfied that the prosecutor gave notice to the defendant at least five days before the trial or

(b) after the defendant consented to waive the giving of full notice or

(f) being satisfied that the interests of justice did not require more notice to be given that such a declaration would be sought.

D. The Court was satisfied that there were reasonable grounds to believe that making the defendant subject to an

international football

banning order would help to prevent violence or disorder at or in connection with football matches designated for the purposes of Part

II of the Act.

On the Court ordered that

Within 5 days from the date of this order the defendant must report to ..... Police Station at

For a period of ..... years from the date of this order the defendant is required, subject to any exemption, \* to surrender his passport and/or

report to the police station named or any other named police station in England and Wales at the time or between the times specified in the notice imposing this requirement when designated football matches for the purposes of Part II of the 1989 Act are played outside England and Wales.

Date An Officer of the Court:

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ANNEXE

f BOA 2

For magistrates' court use

**TERMINATION ORDER FOR INTERNATIONAL FOOTBALL BANNING ORDER**

**Magistrates' Court**

Name:

Date of Birth:

Address:

Duration of order: Final date of order

The above-named having applied to this Court for termination of the international football banning order made on ..... under \*section 15/section 22 of the Football Spectators Act 1989,

And having regard to the applicant's character, his her conduct since that order was made,

the nature of the offence that led to it and other relevant factors;

**ORDER**

\*It is hereby ordered that the international football banning order shall terminate on

\*It is hereby ordered that the international football banning order shall remain in force until

the final date of the order indicated above, subject to the outcome of any further application

for termination.

Signed .....

"Justice of the Peace

\*By order of the court, Clerk to the Court

\*Delete as appropriate

**Copy to the Football Banning Orders Authority**

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ANNEX F

FBOA 2A

For use by Crown Court

**In the Crown Court**

at

Case No:

Court Code:

To:

of

Date of birth:

Order for the termination of an international football banning order made under the Football Spectators Act 1989

Spectators Act 1989

On ..... you were made subject to an international football banning order under part 2 of the Football Spectators Act 1989. Having applied on ..... for the termination of the order; and having regard to your character,

your conduct since the order was made, the nature of the original offence and other relevant

facts, the Court ordered:

\*that the international football banning order shall terminate on .....

\*that the order shall remain in force, subject to the outcome of any further application for

termination.

An Officer of the Crown Court

Date:

Copy to the Football Banning Orders Authority

so

ANNEX G

FBOA3

*Form of information*

**Form of information under section 22(2) of the  
Football Spectators Act 1989**

Magistrates' Court (Code)

Date:

Person in

respect of

whom this

information

is laid:

Address:

Subject

matter of

information: This information is laid for the purpose of an international football banning order

under section 22 of the Football Spectators Act 1989 being made against the person named above since he was on [insert date] convicted in [state name of country or territory outside England and Wales where conviction took place] of the

offence of [insert name of offence] and that offence is specified in the [insert name

of relevant Order in Council under section 22(1) of the Football Spectators Act 1989] as corresponding to an offence in Schedule 1 to the Football Spectators Act 1989

The

information

of:

Address:

Telephone No.

who upon oath states that the person in respect of whom this information is laid was convicted of the offence name above.

Take and sworn before me

Justice of the Peace

[Justices Clerk]

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ANNEX H

FBOA4

*Form of summons*

**Form of summons under section 22(2)(a) of the  
Football Spectators Act 1989**

..... Magistrates' Court (Code)

**Date:**

To ..... of [insert address], being the person in respect of whom an information

under section 22(2) of the Football Spectators Act 1989 has been laid.

You are hereby directed to appear on ..... at ..... [am] [pm] before the Magistrates'

Court at..... to answer to the following information.

[Refer to information and include reference to offence in a country outside England and Wales of which the person was convicted]

As a result of the information, an international football banning order may be made against you under section 22 of the Football Spectators Act 1989 Under such an order you may be required to submit your passport and to attend a named police station in England and Wales on the occasion of certain football matches being played outside England and Wales.

Person bringing proceedings:

Address:

Date of information:

(Signed).....

Justice of the Peace

[Justices Clerk]

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### ANNEX I

FBOA5

*Form of warrant of arrest*

#### Form of warrant of arrest under section 22(2)(b) of the Football Spectators Act 1989

Magistrates' Court (Code)

Date:

Person in respect of whom an information under section 22(2) of the Football Spectators Act 1989

has been laid:

Address:

Subject matter of

Proceedings:

Direction:

"Bail:

Information having been laid before me on [oath] [affirmation] by ..... on ..... that the person named above has been convicted in pnsert name of country where correspondjng offence was committed] of the offence of [insert name of offenc^.

You, the constables of ..... Police Force, are hereby required to arrest the person named above and to bring him before the Magistrates' Court at..... immediately [unless the accused is released on bail as directed below].

On arrest, after complying with the condition(s) specified in Schedule t hereto, the accused shall be released on bail, subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of the above Magistrates'Court on ..... at..... am/pm.

(Signed) .....

Justice of the Peace

\* Delete if bail is not granted

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### SCHEDULE I

#### Conditions to be complied with before release on bail

To provide ..... [surety] [sureties] in the sum of £..... [each] to secure the

surrender of the person in respect of whom an information has been laid under section 22(2) of

the Football Spectators Act 1989 at the time and place appointed.

[insert condition[s] as appropriate]



SCHEDULE II

Conditions to be complied with after release on bail

[insert condition[s] as appropriate]

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ANNEXJ

f BOA 6

Form of IFBO(Overseas offences)

Form of international football banning order under section 22 of the Football Spectators

Act 1989, as amended by the Football (Offences and Disorder) Act 1999 Magistrates' Court

Whereas the ..... Magistrates' Court is satisfied that [insert name of person against whom

proceedings have been brought] of [insert address] -

(a) is ordinarily resident in England and Wales;

(b) was convicted by [insert name of court outside England and Wales] of the offence of [insert name of offence and, where appropriate, enactment contravened];

Whereas the offence referred to above is specified in [insert reference to relevant Order in Council

under section 22(1 j) of the Football Spectators Act 1989] as being an offence under the law of

[insert name of country outside England and Wales] as corresponding to any offence in Schedule

1 to the Football Spectators Act 1989

\* [Whereas it does not appear that the conviction referred to above is the subject of proceedings in a court of law in that country questioning the conviction;] or

\* [Whereas it appears that the conviction referred to above has been the subject of proceedings in a court of law in that country questioning it and the final result of those proceedings is as follows [insert result]];

And whereas the court is satisfied that there are reasonable grounds to believe that making an international football banning order in relation to the person named above would help

to prevent violence or disorder at or in connection with football matches designated for the

purposes of Part II of the Football Spectators Act 1989

Now, therefore, it is hereby ordered as follows:

**ORDER**

The above-named person shall be subject to an international football banning order and must

report initially to ..... Police Station at

.....within the period of five days beginning with

the date of the making of this order.

Subsequently that person must, during the duration of the order but subject to any exemption,

\*submit his/her passport and report on the occasion of football matches which are played outside

England and Wales and have been designated for the purposes of Part II of the Football

Spectators Act 1989 when required to do so under section 19(3)(b) of that Act to that or any other

named police station in England and Wales at the time or between the times specified in the

notice by which the requirement is imposed.

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DURATION OF ORDER

Period ..... Final date of order,  
Signed.....  
"Justice of the Peace  
\*By order of the court. Clerk to the ..... Magistrates' Court  
(\*Delete as appropriate)  
Date

**NOTES**

1. You are required to report within 5 days of the making of the international football banning order to the police station named in that order. If you have been sentenced to a period of immediate imprisonment you must report to that police station within five days of your discharge.
2. If you fail, without reasonable excuse, to report as required by the court you may be guilty of an offence which carries a maximum penalty of imprisonment for six months or a level 5 fine or both.
3. You will be informed by notice from the Football Banning Orders Authority when you will be required \*to surrender your passport and/ to report at the time of a designated football match taking place outside England and Wales. You will have to "surrender the passport and report to the police station named in this order, although if your circumstances change, you may subsequently apply to the named police station to report to another named police station in England and Wales.
4. If very special circumstances would prevent you from "submitting your passport or reporting to a police station as required by the above Authority (and would also prevent you from attending the football match being played abroad) you may apply in writing to that Authority to seek an exemption for that occasion. Where the match in question is five or less days away, you should immediately contact the named police station. If the exemption is not granted, you may lodge an appeal to the court. If the application fails you may be asked to pay all or any part of the costs of the proceedings.
5. After the international football banning order has been in force for a period of at least two thirds of the period given by the court, you may apply to your local magistrates' court to terminate the order. If the application fails you may be asked to pay all or any part of the costs of the application. The court will take into account your conduct during the year and any other relevant factors before making a decision on your case.
6. The police station named in this order will be notified of this order and provided with a copy indicating your initial reporting requirements. They will initiate any relevant action should you fail

to comply with the order.

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7. On reporting to the police station, you should submit this order, proof of your identity and current address and three passport sized photographs.

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## Chapter 1: Legislation

### Introduction

1.1 This section sets out the main measures available to deal with football hooliganism and provides a broad outline of the legislative framework. The detail of the legislation and its application are contained under the relevant subject headings in later sections of this document. The 1999 Act has been given greater prominence because of the changes it has introduced.

1.2 Annex A lists the primary and secondary legislative measures which apply to football. The main point to highlight is that the football hooligan commits crimes that are, by and large, common to the criminal law. The term football-related offence should not, therefore, be construed as a term defining offences that are exclusive to football. This guidance deals with those offences under the criminal law which are regarded as relevant when a court comes to consider making a football banning order. If these specified offences are committed in connection with designated football matches, the offender may be subject to further action by the court.

1.3 In effect, the main thrust of football-related legislation is to provide a structure whereby the court can impose an order preventing a person subject to such a conviction and subsequent order from attending further matches.

1.4 As indicated above, there are offences that are exclusive to football. By their very nature, these are football-related but the offender must first be convicted by the court of that offence before it can consider imposing restrictions on attendance under the banning order process. The banning order process requires that specific criteria must first be met and that the court is satisfied that reasonable grounds exist to believe that an order will help to prevent violence or disorder at or in connection with football matches. It remains possible that a person convicted of an offence which is specific to football is not subsequently made subject to the banning order process.

1.5 **Amendments made by the 1999 Act do not apply to orders made or offences committed before commencement of the Act on 27 September 1999.**

*The Football (Offences and Disorder) Act 1999*

1.6 A copy of the Explanatory Notes to the 1999 Act is attached at Annex B. The Act comes into effect on 27 September 1999.

1.7 The Act has three main purposes:

1 It widens the scope for the courts to issue banning orders

• The Football Spectators Act 1989 provides that offences are only relevant if committed

two hours before the match or one hour after the match or travelling to or from the match

- The 1999 Act increases the period to 24 hours either side of a domestic match, thus extending and clarifying the ability of the police to seek and the courts to make banning orders against convicted offenders
- For corresponding offences committed overseas, the 1999 Act provides that the relevant period may be longer
- 2 It extends the range of football-related offences in Schedule 1 to the 1989 Act
- The court is required to make a banning order if the criteria are met. If the court decides they are not met, it must state its reasons in open court.
- It improves the effectiveness of enforcement of such orders
- The court now has the power to require submission of the person's passport as a condition of the order up to five days in advance of the reporting requirement

## **ANNEX K**

*FBOA7*

*For use at police station of initial reporting*  
**INTERNATIONAL FOOTBALL BANNING ORDER  
RECORD OF INITIAL REPORTING  
(to be completed by named police station)**

Name:

Date of Birth:

Address:

Date of issue of IFBO:

This records your attendance at ..... Police Station as required by the court making the international football banning order.

You are required to inform the Football Banning Orders Authority if you change your

address. Failure to do so may render you liable to prosecution. You must write to the

Authority at:

The Football Banning Orders Authority

NCIS

PO Box 8000

London

SE11 5EF

You should quote reference number..... on all correspondence

with the Authority.

This is being copied to the Authority together with your photograph.

For Police Use

Name & Rank

Station

Force

Date

*Attach photograph to FBOA*

*copy*

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ANNEX L

f BOA &  
Laminated registration card  
FBOA8

Name:  
Date of Birth:  
Address:

Registration No:  
INTERNATIONAL FOOTBALL BANNING ORDER  
REGISTRATION CARD  
Affix photograph

This card must be produced at all times of when reporting to the police station as instructed by the enforcing authority

If found, this card must be handed in to the nearest police station

Forces may wish to produce the card locally. Copies can, however, be obtained from the Football Banning Orders Authority.

59  
ANNEXM  
FBOA9

For police use for request to change named police station

INTERNATIONAL FOOTBALL BANNING ORDER  
APPLICATION TO CHANGE NAMED POLICE STATION FOR SURRENDER OF PASSPORT  
AND/ OR REPORTING REQUIREMENTS

\_\_\_\_\_ \*Wpto as annmriafo \_\_\_\_\_

To be completed by applicant

Name .....

Address .....

.....Date of birth .....

Reference Number..... (Contained on registration card)

Requested police station .....

State reasons for wishing to change named police station

Supporting documentary evidence supplied e.g. confirmation of new address etc \*YES/NO

Application is for "permanent/temporary change.

If temporary, from ..... to .....

Signed ..... Date .....

FOR POLICE USE

\* Application granted.

Name and Rank: Police Station & Force

Copy to the applicant, the new named police station and the FBOA.

^Application refused. Please state reasons.

Name and Rank: Police Station & Force

Copy to the applicant and the FBOA.

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ANNEX N  
FBOA 10

Letter from FBOA setting passport/reporting requirements

**Football Banning Orders Authority**  
**REPORTING INSTRUCTIONS ON**  
**INTERNATIONAL FOOTBALL BANNING ORDER**

To:

Address:

Serial No:

By the order of the court, under section 19(3) of the Football Spectators Act 1989 you are instructed to comply with the following:

1. Report to ..... Police Station at  
on ..... between the times of.....  
for the purposes of surrendering your passport.

2. Report to ..... Police Station at  
on ..... between the times of.  
for the purposes of complying with the reporting requirement made under the international football banning order.

The above conditions and reporting requirements have been applied in connection with the forthcoming designated football match:

to be played on .....

between ..... and .....

On each occasion you should produce your registration card together with this letter. Failure to

comply with the instruction to surrender your passport or to meet the reporting requirement is criminal offences. You may be liable on conviction to a term of imprisonment of up to six months

and/or a level 5 fine.

You may apply to be exempted from the submission of passport and/or the reporting requirement.

This must be done in writing to the Football Banning Orders Authority at the above address. If there

are five days or less before either the surrender condition or reporting requirement, you may make

application to the police station named on this instruction. Should you disagree with the decision,

you may lodge an appeal to a magistrates' court in whose area the order was issued. The court may

order you to pay all or part of the costs of the appeal.

On receiving your passport, the police officer will endorse and stamp the form and this will act as a

receipt for your passport. The passport should normally be returned to you when you comply with

the reporting requirement or as soon as practicable thereafter. You will then be asked to sign this

copy and the police officer's copy of the form to indicate that the passport has been returned to you.

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If you have lost your registration card, you should inform the police station named above and a

replacement card will be issued. Your passport will act as proof of your identity and will be compared to the photographic record held at the police station named above.

If the order has not attached the surrender of your passport as a condition of the order, you must

provide other means of identification when you report to the police station to meet reporting requirements.

You should retain this letter for your own records. The police station named above has been sent a

copy of this letter for their records and to ensure compliance with the order.

**On attendee's copy**

The above named has complied with this instruction and submitted his passport as required.

Name & Rank

Date *Official station stamp*

The above named has complied with this instruction and reported to this police station as required.

Name & Rank

Date *Official station stamp*

The passport has been returned to the person named above.

The attendee should endorse both copies (this and the police copy) to confirm return of the passport.

Passport received.....Date .....

**For Police Purpose**

The official record or log and FBOA 11 should be noted.

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**ANNEX O**

*FBOA 11*

*Official police record of compliance with order*

**INTERNATIONAL FOOTBALL BANNING ORDER**

Attach or insert  
photograph  
File Name  
Name in which charged  
Surname (Capitals) First name(s)  
Date of Birth Se:  
Height Co  
K CRO No.  
Registration Card No.  
hour of Eyes Colour of Hair  
Marks/Scars  
Current Address  
Duration of International Football Banning Order  
From To  
Passport Number & Country of Issue Specimen Signature

**Other useful information:-**

63

FOR POLICE USE ONLY

64

**Form FBOA 11 (cont.)**

**TO BE COMPLETED ON SURRENDER/RETURN OF PASSPORT AND MEETING  
REPORTING REQUIREMENTS**

Date Timee Passport

Received

(Signature)

Complied with  
reporting requirement

(Signature)

Passport

returned

(Signature)

Date Time Passport

Received

(Signature)

Complied with  
reporting req'ment

(Signature)

Passport

returned

(Signature)\_

**FOOTBALL BANNING ORDER AUTHORITY: ANNUAL STATISTICAL RETURN**

**SEASON:**

**ANNEX P**

CUP MATCHES

LEAGUE:

Offence

Drink-Related Offences

Disorderly Behaviour

Threatening Behaviour

Affray

Violent Disorder

Running on the Pitch

Racial /Indecent Chanting

Throwing Missiles

Ticket touting

Other (see note attached)

A separate form should be completed for each division and for all cup matches. Please delete either cup or league and when providing information on league, indicate to which division it refers \_\_\_\_\_

**NUMBERS**

Arrested Time of Arrest

\_\_\_ From kick-off

<2hrs >2hrs

Released

NFA

Cautioned Charged Convicted

(if known)

Banning Order

Issued

IFBO DFBO

Breaches of

\_\_\_ Order \_\_\_\_\_

IFBO DFBO

**Completed by:**

**Name:**

**Force:**

**Contact No:**

**Date:**

**Please complete and return via Epi-Centre to the Head of the FBOA, NCIS.**

•When reporting or submitting a passport, the person is required to attend a named police station at a specific time and date

• Breach of a domestic football banning order is an arrestable offence. Similar powers already exist under the Crime and Disorder Act 1998 for international football banning orders.

•Banning Orders can be made by the courts for periods between three years and ten years for matches played outside England and Wales; and between one year and three years for domestic matches.

3 It ~~xt~~n<U the ambit of the offences of ticket touting and indecent or racist chanting

•Regulating the sale of tickets is about maintaining crowd segregation and security arrangements between rival groups of supporters, both inside the ground and on seeking to enter and leave the ground. The Act provides that it is an offence to make unauthorised sales of tickets in England and Wales for designated matches played outside England and Wales

•Section 3 of the Football (Offences) Act 1991 required that for an offence to be committed two or more people must be involved in indecent or racist chanting. The 1999 Act provides that it is an offence for an individual alone or in concert with others to be involved in such chanting.

1.8 The following paragraphs summarise the other legislation on football-related crimes and highlight the changes made by the 1999 Act.

*Crime and Disorder Act 1998*

1.9 Section 84 amended section 16(5) of the



Football Spectators Act 1989 and Section 24(2) of the Police and Criminal Evidence Act 1984. The amendment provides that:

- maximum penalty for failure to comply with a reporting requirement is increased to six months imprisonment and/ or a level 5 fine;
- failure to comply with a reporting requirement becomes an arrestable offence.

*The Criminal Justice and Public Order Act 1994*

1.10 Section 166 makes it a criminal offence for an unauthorised person to sell, or offer or expose for sale, a ticket for a designated football match in a public place or a place to which the public has access or, in the course of a trade or business, in any other place. Under subsection 2 (e), the offence is limited to England and Wales for designated matches played in England and Wales.

1.11 Section 10 of the Football (Offences and Disorder) Act 1999 amends the 1994 Act and applies the offence to the sale etc of tickets in England and Wales for designated matches played either in England and Wales or outside England and Wales.

*The Football (Offences) Act 1991*

1.12 The 1991 Act created three offences of disorderly behaviour:

- (a) throwing any object at or towards the pitch or spectator areas without lawful authority or lawful excuse;
- (b) taking part in indecent or racist chanting; and
- (e) going on to the pitch without lawful authority or lawful excuse.

1.13 Section 9 of the Football (Offences and Disorder) Act 1999 amends section 3, subsections (1) and (2) (a) of the 1991 Act and makes it an offence for an individual to engage or take part in racist or indecent chanting, whether alone or in concert with one or more others. (*More details of these offences are contained in Chapter 7*).

*The Football Spectators Act 1989*

1.14 The 1989 Act allowed courts to impose restriction orders on those convicted of football-related offences to prevent them from attending matches abroad involving teams from England or Wales. Those subject to restriction orders are required to report to a police station (of their choice) roughly when the match is taking place. It is an offence to fail to do so.

1.15 The Act also enables magistrates in England and Wales to make orders against those convicted of *corresponding offences* in France, Italy, Norway, the Republic of Ireland, Scotland and Sweden. Orders in Council made under the Act are necessary to achieve this.

#### **NOTES OF COMPLETION OF STATISTICAL RETURN**

1 • A separate return should be completed in respect of designated matches played in the Premier League and the First, Second and Third Division. In addition, a

separate return should be made out in respect of all designated matches played in cup competitions during the season. In the case of international matches, these will take place only at limited locations but the statistics should be recorded separately on Annex P.

2. The FBOA will advise forces at the beginning of the season and send a reminder towards the end of the season of the need for that season's statistics to be forwarded. The FBOA will collate the statistics on behalf of the Home Office and NCIS for annual publication at the start of the following football season.

### 3. **Offences**

Section 5 Public Order Act 1986

Section 4 Public Order Act 1986

Section 5 Public Order Act 1986

Section 2 Public Order Act 1986

Section 4 Football (Offences) Act 1991

Section 3 Football (Offences) Act 1991

as amended by the 1999 Act

Section 2 Football (Offences) Act 1991

Section 166 of the Criminal Justice and Public Order Act

1994 as amended by the 1999 Act

Drink related offence

Disorderly Behaviour

Threatening Behaviour

Affray

Violent Disorder

Running on Pitch

Racialist Chanting

Indecent Chanting

Throwing Missiles

Ticket Touting

Assault

Breach of DFBO

Breach of IFBO

Breach of conditions

#### **Other includes:**

Prevent Breach of Peace

Possession of Drugs

Then

Criminal Damage

Possession of Offensive Weapons

Misc. Offence Breach Bail/Obstruct Police/Bye Laws

Arrested on Warrant

Deception

Highway Obstruction

Motor Vehicle Crime

4. Any enquiries on completion of the form should be addressed to the enforcing authority or the NCIS, Football Intelligence Section.

## ANNEXQ

**The Sporting Events (Control of Alcohol Etc) 1985**

1» Section 1 provides for four offences:

(1) a person who knowingly causes or permits intoxicating liquor to be carried on a vehicle;

(2) a person who has intoxicating liquor in his possession on a vehicle

(3) a person who is in possession of alcohol on a vehicle

(4) a person who is drunk on a vehicle

when such a vehicle relates to public service vehicles and railway passenger vehicles which

are being used for the principal purpose of carrying passengers for the whole or part of a

journey to or from a designated sporting event.

1. 'Public service vehicle' is given the same meaning as in section 1 of the Public Passenger

Vehicles Act 1981, that is, a motor vehicle (other than a tramcar) which is either adapted to

carry more than eight passengers and is used for carrying them for hire or (being a vehicle not

so adapted) is used for carrying passengers at separate fares for reward in the course of a

business of carrying passengers.

2. Subsection (2) above makes it an offence knowingly to cause or permit intoxicating liquor to

be carried on a vehicle to which this section applies. The offence extends, in the case of

public service vehicles, to the hirer or operator and their servants and agents, and in the case

of railway passenger vehicles, to the hirer and his servants and agents; and has a maximum

penalty on summary conviction of a level 4 fine. The 'operator' of a public service vehicle is

also given the same definition as in the Public Passenger Vehicles Act 1981 and means the

driver, if he owns the vehicle, and in any other case the person for whom the driver works

(whether under a contract of employment or any other description of contract personally to do work).

3. Subsection 3 makes it an offence to be in possession of alcohol on a public service vehicle or

railway passenger vehicle travelling to or from a designated sporting event. The maximum

penalty on conviction for this offence will be three months' imprisonment and a fine not

exceeding level 3 on the standard scale.

4. Subsection (4) provides for the offence of drunkenness on public service vehicles and railway

passenger vehicles travelling to and from a designated sporting event with a maximum penalty

on conviction of a fine not exceeding level 2 on the standard scale. There is power in section

7(3) for a constable to stop and search a public service vehicle to which section 1 applies, or

to search a railway passenger vehicle to which section 1 applies, if he has reasonable grounds to suspect that an offence under section 1 is being or has been committed in respect of the vehicle.

**5. Section 2** provides for two offences. First, it is an offence for a person to possess alcohol or an article to which the section applies when entering or attempting to enter a designated sports ground (defined in section 9 of this Annex and section 10 of the Circular) during the period of a designated sporting event (defined as previously reference).

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6. It is also an offence to possess these things in any area of the ground from which the pitch may be directly viewed. The maximum penalty on conviction for this offence is three months' imprisonment and a fine not exceeding level 3 on the standard scale.

7. Articles to which this section applies are bottles, cans or other portable containers (or any part of them) which are for holding drink and which when empty are normally thrown away, returned to the supplier or recovered by him and which are capable of causing injury to a person struck by them. This definition does not include articles that are not usually discarded, for example, thermos flasks but does catch articles such as beer glasses that are normally returned to the supplier. The definition specifically excludes anything used to hold a medicinal product within the meaning of the Medicines Act 1968. These offences are committed in any area of the ground from which the event may be directly viewed. Such areas include the stands, terraces and any restaurants, sponsors' boxes and other rooms which overlook the pitch. It is not an offence to possess alcohol or any other article described in section 2 in parts of the ground which have no direct view of the event.

8. Section 2 also makes it an offence for any person who is drunk to enter or try to enter or be in any part of a designated sports ground during the period of a designated sporting event. The maximum penalty for this offence will be a fine not exceeding level 2 on the standard scale.

**9. Section 3** prohibits the sale or supply of alcohol at licensed premises or registered club premises inside designated sports grounds during the period of a designated sporting event unless the licensee or club secretary (or chairman) as appropriate has obtained an exemption order from a magistrates' court. The court would be required in considering an application for an order to pay particular regard to the arrangements made for the admission of spectators and for regulating their conduct, and not to issue an order unless satisfied that the order would

not be likely to be detrimental to the orderly conduct or safety of spectators.

10. The court may attach conditions to an exemption order. It may, for instance, restrict the hours during which alcohol may be sold (but an exemption order may not extend permitted hours under the general licensing laws). It would also be possible, if the court saw fit, to limit the operation of the exemption order to certain classes of events (for instance, in order to exclude cup ties); to confine it to premises in certain areas of the ground (for instance, those areas reserved for home supporters); to require all drinks to be sold in plastic cups or similar containers; to limit the number of drinks which may be sold to each customer; or to attach other appropriate conditions. The court may vary or revoke an exemption order at any time.

11. No exemption order may apply to any licensed premises or registered dub premises from which sporting events at the designated sports ground may be directly viewed. A responsible person nominated by the licensee or club as appropriate must be present at the ground throughout the period of any designated sporting event. Written notice of this person's nomination and his address must be given to the chief officer of police. There is power for a police inspector (or higher rank) to suspend or modify an exemption order temporarily by leaving written notice at the relevant premises or at the address of the nominated person, if in his opinion there is a likelihood of trouble developing at a particular match but there is insufficient time to ask the magistrates to revoke or vary the order (for example, on a Saturday morning).

12. It will be an offence (with a maximum penalty on conviction of three months' imprisonment and a fine not exceeding level 3 on the standard scale) for the holder of the justices' licence or, as the case may be, an officer of the club, to sell or supply or authorise the sale or supply of alcohol contrary to any restrictions or conditions imposed by or under this section.

**13. Section 4**, as amended by the Sporting Events (Control of Alcohol etc) (Amendment) Act

1992, provides that the duration of an exemption order made under section 3 should be twelve

70 months unless it is earlier revoked or superseded by another order and unless the licence or registration attached to the premises ceases to have effect. The exemption order will also cease to have effect on the transfer of the licence, that is, when a new licensee takes over the premises. The grant of a protection order under the Licensing Act 1964 does not terminate an exemption order.

14. Subsection (4) provides that where an application for a renewal of an exemption order or for a new order in respect of the same premises (for example, where there has been a change of licensee) is made not less than 28 days before the expiry of the current order, the current

order continues in force until the court has dealt with the application. Section 4 also provides for a fee to be charged for the making of an order (£12.50) or any variation of an order that is made on the application of the licensee or club (£4). The amount of the fee may be varied by order made under section 29 of the Licensing Act 1964. The procedure for applications is set out in the Schedule to the Act.

15. **Section 5** provides a right of appeal against the decision of a magistrates' court or an application for or about an exemption order (except a decision on an application for an exemption order to be varied or granted for a particular sporting event (e)). The appeal will be

to the Crown Court whose decision will be final. Any party to the original proceedings shall be party to the appeal.

16. **Section 6** allows a constable in uniform to require any person in charge of a bar within a designated sports ground during a designated sporting event to close the bar if he believes that the sale of alcohol there is detrimental to the orderly conduct and safety of the spectators.

It is an offence to fail to close a bar when required to do so by a constable under this section

unless it can be shown that all reasonable steps were taken to do so. The maximum penalty

on conviction for this offence is three months' imprisonment and a fine at level 3 on the standard scale.

17. It is an operational matter for the professional judgement of the police under what circumstances bars should be required to close under this section. It is a decision which will

require considerable care; concern was expressed during Parliamentary proceedings that an

experienced officer should be consulted whenever possible

18. **Section 7** provides the police with the necessary powers to enforce the legislation. It allows a

constable to enter any part of a designated sports ground at any time during the period of a

designated sporting event in order to enforce the provisions of this Act. It gives a constable a

power of search and arrest of any person he reasonably suspects is committing or has committed an offence under this Act. Where a constable reasonably suspects that an offence

under section 1 (possession of alcohol and drunkenness on a public service vehicle or railway

passenger vehicle travelling to or from a designated sporting event) is being or has been committed, he may search the relevant vehicle.

19. **Section 8** prescribes penalties for offences under the Act. There is a maximum penalty of

three months' imprisonment and a fine not exceeding level 3 on the standard scale for offences under section 1(3) (possession of alcohol on a public service vehicle or railway

passenger vehicle travelling to or from a designated sporting event), section 2(1) (possession

of alcohol or a controlled container in a viewing area of a designated sports ground or while

entering a ground), section 3(10) (contravention of restrictions on sale of alcohol in a sports

ground) and section 6(2) (failure to comply with an instruction by a constable to close a bar at a ground during a sporting event).

20. A maximum penalty of a fine not exceeding level 2 on the standard scale is prescribed for offences under section 1(4) (drunkenness on a public service vehicle or railway passenger vehicle travelling to or from a designated sporting event) and section 2(2) (drunkenness within a designated sports ground or on entry to one). Section 8 also prescribes a maximum penalty

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of a fine not exceeding level 4 on the standard scale for offences under section 1(2) (permitting alcohol to be carried on a public service vehicle or railway passenger vehicle travelling to or from a designated sporting event).

21. Section 9 provides definitions for the terms used in the Act. A 'designated sports ground' is defined as any place used for sporting events which has accommodation for spectators and which has been designated or is part of a class designated by the Secretary of State. The designation order may specify the outer limit of any designated sports ground and this provision may help to clarify the extent of the law at any designated sports ground whose boundaries may be unclear. The designation order that was laid on 26 July 1985 contains no such specification.

22. A 'designated sporting event' is defined as an event or proposed event that has been designated or is part of a class designated by order made by the Secretary of State. A 'designated sporting event' also includes events designated under the comparable Scottish legislation. Provision has also been made for events outside Great Britain to be designated and travel to or from these events by public service vehicle or railway passenger vehicle within England and Wales will therefore fall within section 1 of the Act. The 'period of a designated sporting event' is defined as the period commencing two hours before the start and ending one hour after the end of a designated sporting event except that where the event is advertised to start at a particular time but is delayed, postponed or cancelled it includes the period commencing two hours before and ending one hour after the advertised start.

23. Section 10 makes amendments to Part V of the Criminal Justice (Scotland) Act 1980. The effect of these amendments is to extend the controls on public service vehicles in Scotland to include trains; to apply the controls on travel in the Scottish legislation to designated sporting events in England and Wales, and to enable the Secretary of State to designate sporting events abroad so that travel in Scotland en route to designated sporting events in England and Wales or outside Great Britain would be caught under the Scottish Act.

24. Section 11 limits the extent of sections 1-9 and the Schedule to the Act to England and Wales. Similar provisions already apply in Scotland under the Criminal Justice (Scotland) Act

1980. The Act does not apply to Northern Ireland.

25. The Schedule sets out procedural arrangements for applications for exemption orders.

(a) Paragraph 1 provides that an application for an exemption order shall be made by complaint to a justice acting for the same petty sessions area as the relevant magistrates' court.

(b) Paragraph 2 specifies that applications for an order to be made or varied shall be made by the holder of the justices' licence in the case of licensed premises and by the chairman or secretary of the club in respect of registered dub premises. The justice shall notify the chief officer of police and the local authority of an application for an order y summons requiring them to appear before the magistrates' court to show why the order should not be made or varied. A summons to the local authority is effective (and therefore the local authority is party to the proceedings) only if a certificate under the Safety of Sports Grounds Act 1975 is in force for the relevant sports ground. A copy of any exemption order made under this paragraph must be sent to the chief officer of police and to the local authority (where it is a party to the proceedings).

(e) Paragraph 3 states that an application for an order to be revoked or varied may be made by the "chief officer of police or, where the sports ground has a certificate under the Safety of Sports Grounds Act 1975, by the local authority. The justice to whom the application has been made must issue a summons to the holder of the justices' licence or the club secretary/chairman (as appropriate) requiring him to appear before the magistrates' court

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to show why the order should not be varied or revoked. A copy of any order made under this paragraph must be sent to the holder of the justices' licence or club secretary/chairman.

(d) Paragraph 4 provides that where an application is made for a new exemption order it must be accompanied by a plan of the sports ground indicating where it is proposed that alcohol should be sold under the exemption order. A period of at least 28 days must elapse between the making of the application and the hearing. This is to give the police (and the local authority where appropriate) an adequate opportunity to consider the application.

(e) Paragraph 5 provides for the club chairman, secretary, any member of the management committee or any authorised officer of the dub to represent the dub in proceedings under this Act in a magistrates court or Crown Court where the dub does not have legal representation.

(f) Paragraph 6 gives 'local authority' in this Schedule the same meaning as in the Safety at Sports Grounds Act 1975.

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#### Extract from Audit Commission Report Annex 1

#### CALCULATING THE CHARGES 8»» CALCULATION OF CHARCE-OLT RATO

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#### 1.16 The Football (Offences and Disorder) Act

1999 provides for a number of changes:

- restriction orders are now called international football banning orders (IFBOs).
- courts are under a duty to consider making an IFBO if a person has been convicted of a relevant offence and they are satisfied that there are reasonable grounds to believe an order would help prevent violence or disorder at or in connection with designated matches.
- where the court does not make an order, it must state its reasons in open court.
- the court may issue an order when a conditional or absolute discharge has been imposed for the actual offence.

- the court may impose a condition on the order requiring submission of passport.
- the order will require the person to report to a named and specific police station as specified on the reporting requirement.
- in the case of a conviction for a football-related offence carrying a term of imprisonment, the maximum period of the order may be 10 years and the minimum period 6 years.
- in the case of a conviction without a custodial sentence, the maximum period of the order will be 5 years with a minimum period of 3 years.
- application for termination may only be made after at least two-thirds of the period determined by the court has elapsed.
- the relevant period for corresponding offences committed in countries with which we have a bilateral agreement will be determined by Order in Council for each individual country.

#### *The Public Order Act 1986*

1.17 The 1986 Act created the new offence of disorderly conduct - behaviour that stops short of actual violence but which is likely to distress, harass or alarm. The Act provided the courts with the power to make exclusion orders against convicted football hooligans, prohibiting their attendance at prescribed matches in England and Wales.

1.18 The Football (Offences and Disorder) Act 1999 makes a number of changes to the exclusion order process:

- exclusion orders are now called domestic football banning orders (DFBOs).
- courts are under a duty to consider making a DFBO if a person has been convicted of a relevant offence and they are satisfied that there are reasonable grounds to believe an order would help prevent violence or disorder at or in connection with prescribed matches.
- where the court does not make an order, it must state its reasons in open court.
- the relevant period in which certain offences must be committed to be relevant for the making of a DFBO is 24 hours before the start of a match, and 24 hours after the match has finished.
- a DFBO may be made for a maximum period of 3 years and a minimum period of 1 year.
- breach of a DFBO is an arrestable offence carrying up to six months imprisonment and/ or a level 5 fine.

#### *The Sporting Events (Control of Alcohol etc) Act 1985*

1.19 The 1985 Act prohibits the possession of alcohol on the way to matches on football special coaches and trains and makes it an offence to be drunk on them. It also makes it an offence to try to enter a ground when drunk or in possession of alcohol; to possess or consume alcohol within view of the pitch during the period of the match;

or to be drunk during the period of the match.

1.20 The Act provides the police with the power to search someone reasonably suspected of committing an offence under the Act, and to arrest such a person: this may include searching coaches or trains carrying passengers to or from matches or on arrival as well as searching fans waiting to enter a ground or inside a ground.

## Chapter 2: Football-related offences

2.1 Football-related offences are those offences which are deemed by Parliament to be offences committed in relation to a designated football match which subsequently may attract a football banning order preventing further attendance at matches as prescribed by the court. The Football (Offences and Disorder) Act 1999 also applies these offences to prescribed matches.

2.2 These offences are listed in Schedule 1 to the Football Spectators Act 1989 as amended by the Football (Offences and Disorder) Act 1999, which is reproduced on pages 13 and 14 of this Circular.

2.3 Section 2 of the Football (Offences and Disorder) Act 1999 amends Schedule 1 to the 1989 Act by adding to, and widening the scope of, the offences. The section adds certain offences of violence or disorder which are not committed at a football ground or on a journey to a football match but which are committed within 24 hours of a designated football match and which relate to that match.

2.4 The section also adds the offence of ticket touting to the Schedule. In addition, the offences in the Schedule are extended to cover attempts, conspiracy and incitement to commit such offences and aiding and abetting, counselling or procuring the commission of such offences.

2.5 Section 7 of the 1999 Act replaces section 31 of the 1986 Act. The effect of this amendment is that the offences in respect of which a domestic football banning order can be made are the same as those in respect of which an international football banning order can be made, namely those in Schedule 1 to the 1989 Act.

2.7 The 1999 Act extends the meaning of "journey" in respect of offences listed at (f) to (l) of the Schedule. It provides that a journey may include breaks, and that people may be regarded as on a journey to a match even though they do not attend or intend to attend the match. (For instance, they may be intending to attack opposing supporters without going to the game).

2.6 Therefore, there is no longer any distinction between those offences that are deemed football-related for domestic orders and those for international orders. This should help reduce any confusion and also provide a common approach to consideration of football-related offences.

The Association of Chief Police Officers of England,  
Wales & Northern Ireland

# Guidance on Charging for Police Services

**Status:**

This Guidance was produced by the Finance & Resources Business Area and agreed by Chief Constables' Council on 14 April 2005 with the recommendation that forces should seek to harmonise their methodologies with the Guidance over the next three years. It provides forces with a common and comprehensive charging methodology that will allow for a transparent and consistent approach to these increasingly significant matters, which will benefit both the users of police services and the Service itself. The guidance is disclosable under the Freedom of Information Act 2000 and is subject to Copyright.

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# CHARGING FOR POLICE SERVICES

## EXECUTIVE SUMMARY

### 1 Introduction and Background

- 1.1 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. Recent experience has shown that this is still not necessarily the case.
- 1.2 As a result, and over a period of time, the Government and, increasingly, external receivers of the service have pressed the service to review the basis and method of charging for policing services. Guidance has now been produced aimed at giving clarity to the service and at the same time providing a basis for a more consistent outcome. The main elements and issues within the document are identified below.

### 2.0 Cost Recovery

- 2.1 The powers for seeking to recover costs for policing services are given in various sections of the Police Act 1996. These cover the provision of special policing services to 3rd party organisations (S25) and overseas (S26). Section 18 allows a Police Authority to provide defined goods and services to any person.
- 2.2 Special policing services are normally provided to an event - either singular (pop concert) or a series of events (policing football), and the principle has been established of achieving a full economic cost recovery of relevant costs. This should be applied - particularly for commercial events. However, in line with the concept of risk assessment for policing events within the community, Chief Constables should be able to abate charges for events in certain circumstances. A decision matrix approach has been developed to help determine different circumstances and at the same time give some discretion. Small-scale events can be policed without charge below a threshold level.
- 2.3 The charges should be transparent and consistent, and a costing framework has been developed. But, a general principle of the recovery of policing costs at no detriment to the local community has also been established. This increases the charge for policing to cover rest day overtime working, to preserve duty time for core policing in the community.
- 2.4 The police service is now required to provide policing services to other agencies of Government (e.g. Prisons, Immigration etc), which may cut across local priorities. A parallel approach for cost recovery has been developed in this area. This recognises a different requirement for cost recovery and advice is provided in these circumstances.
- 2.5 Events can also take place either sponsored by, or organised by, Local Authorities and non-commercial organisations. These often take place either on Local Authority land or on the highway. Similar principles have been identified, in line with the matrix approach identified above. Here, full economic cost may not be the most appropriate recovery basis and abatement can be used to address this issue.

### 3.0 Income Generation

- 3.1 S18 of the 1996 Police Act allows goods and services to be provided, and an appropriate charge can then be made to customers. (This is outside special police service arrangements.)
- 3.2 These activities fall into two categories: -
- 3.2.1 Market Competitive goods/services where Police Authorities set charges in relation to market forces by charging a market rate (training, vehicle maintenance, etc.).
- 3.2.2 Market Non-Competitive activity that essentially is a by-product of core police activity. Here, there should be consistency on the rate that will be set nationally e.g. accident reports etc.).
- 3.3 Within the key principles set out above, there has to be a proper recognition of the cost of production of either the goods or service - linked to the costing model. In market competitive areas, Forces or Authorities are free to charge, "what the market will bear", but should at least cover direct costs. Loss leading is only acceptable in the short-term, where there can be demonstrated that true cost recovery will be achieved within a clear period, linked to payback.
- 3.4 The costing model provides the basis for identifying the underlying cost base of services provided and, therefore, gives clarity for Forces. This is also true for market non-competitive items where, although consistency is key, cost recovery must be able to be demonstrated. In order to minimise issues over differences in charges a core group of common services has been identified to be charged at a standard rate. This will be reviewed over time.
- 3.5 Income generation is acceptable within the police service, provided that the spirit of both Section 18 and other Local Government Acts are upheld. Generally, this limits both the activities that can be undertaken and also the capacity to pursue income generation. This guidance allows the service to work within the current legal framework.

### 4.0 Cost Model

- 4.1 The cost model builds on previous versions. It identifies a basis for calculating: -
- |                    |   |  |
|--------------------|---|--|
| Employable Cost    | = | Current basic actual cost of service providers         |
| Direct Cost        | = | Basic employable costs + pension and overtime on-costs |
| Resource Cost      | = | Direct Cost + Direct Overhead                          |
| Full Economic Cost | = | Direct Cost + Direct Overhead + Indirect Overhead      |
- 4.2 The model is based around averages for rank, as this provides more stability across years and between Forces. The basic cost includes all salary and allowances. It also includes the in year pension cost and a premium for overtime to recognise the issue of no detriment to the provision of local policing.
- 4.3 Direct overheads are calculated to show those that are directly related to deployment - transport, training, call handling communications. This then leads to a cost of providing police offices (and staff) at the point of delivering the service. It will be applied to all

officers, although a small number of specialists will be able to add additional amounts e.g. dog handlers, Mounted Branches.

- 4.4 Indirect Overhead constitutes the remaining cost recovery element towards full economic cost. There have been clearly identifiable differences that lead to overall variations in charging rates due to variations in this element. As a result the guidance proposes the creation of an average of the national calculations, so that there is not a significant distortion of rates that will then be difficult to justify.
- 4.5 It is proposed that the guidance on charging methodology is promulgated to the service. The approach will aim to harmonise charging over a three year time period. During that time forces are expected to review their systems and charging calculations to achieve this.
- 4.6 During this period, forces whose current charges exceed a calculation achieved under this guidance, may hold charge levels until the new calculation matches their current arrangement. This has an advantage in not requiring a reduction in charge rates but may extend the overall period to harmonisation.
- 4.7 During this period the methodology will continue to be reviewed at stages to address the updating of common charges and a review of the overhead recovery arrangements.



# CHARGING FOR POLICE SERVICES

## SECTION 1 PRINCIPLES AND CHARGING METHODOLOGY

### **1. Introduction**

- 1.1 As far back as the early 1990s, there has been an identified need to seek a common and consistent methodology to charging for police services.
- 1.2 There has also been an increasing drive to standardise the costing of police services to promote and encourage a comparison of resource usage against service delivered.
- 1.3 A great deal of work has been undertaken previously in this area. This research has sought to pursue a bringing together of best practice, based on the earlier work and to re-establish the principles involved.

### **2. Background**

- 2.1 Police services for which charges are raised represents a small part of overall police activity. By far and away, the majority of budgeted police resource is used in the statutory duty to police the community. This is funded in the main by the national taxpayer, with a small but increasing proportion funded locally by council taxpayers. Businesses also contribute indirectly through redistributed business rates.
- 2.2 There has, though, evolved circumstances where police time and expertise can be charged to third parties. Powers exist to make charges and a summary of these are shown at Appendix 1. These powers have also evolved and been interpreted over time to make a clear delineation between core policing activity and chargeable services.
- 2.3 The nature of the policing services has also changed over time. There is still a significant amount of direct policing (described as "special services policing") charged for - predominantly, to police events. This can be single events e.g. a pop concert, or a number of linked events such as policing football or other sporting matches. Other examples though would now include policing shopping malls or entertainment complexes and, potentially, pubs/clubs. For these events, charges reflect the provision of services over a period of time or for a number of occasions.
- 2.4 There is now a range of 'customers' for policing services. Well established users include professional football and rugby clubs. Other users include commercial promoters and non-commercial organisations including charities, and local authorities. Latterly, there has been an increase in forces providing policing services to other Government agencies - notably, the Immigration Services and HM Customs and Excise.
- 2.5 There is one other area to be considered under the general heading of charging for police services. This is the charge applied for providing services by one (or more) force to another force. Inter force mutual aid is due to be considered separately, but within the same overall principles.
- 2.6 In addition there is now a range of other activity relating to the use of expertise of officers and police staff that can be provided as a service to 3<sup>rd</sup> parties. This falls into the more general category of income generation and uses particular sections of the

Police Act. Finally, there are some services that relate to the provision of information, say, collision reports, etc.

- 2.7 The largest area for charging concerns the issue of policing events and the charges made in that regard. In 1990 the Audit Commission set out some guidance ("Taking Care of the Coppers"), on the basis of charging for policing events. It identified that charges were applied patchily and were often inconsistent. Whilst guidance has, generally, been adhered to in the intervening years, a degree of flexibility / ambiguity in interpretation has led to a continuation of inconsistency in the decade since the issue of that guidance.
- 2.8 Policing events now has an enormous range of scale to consider. From local festivals to Grand Prix; from lower league football to the FA Cup final - all are events which need consideration. In general, the police service exists to police local communities and its resources are structured to achieve this. Few would argue that part of this involves policing small scale events, as part of the role of visibility and public reassurance. But, this is far removed from policing 68,000 supporters in Manchester converging on a small locality to watch a football match, or over 100,000 people attending a 3-5 day pop festival in Wiltshire.

### 3. Charging Methodology - Key Principles

3.1 The review of charging methodology has been based on number of key principles that underpin the approach. These are:

- 1 Charging for services should be based on a proper calculation of the cost of services provided. Charging reflects a proper cost recovery mechanism - but, will also provide a basis for income generation under certain conditions.
- 2 A charging methodology should be clear and transparent to both providers and receivers of the service.
- 3 The basis of cost calculations should be consistent - so that significant variations in charges are explained by local circumstance, rather than methodology differences.
- 4 Calculations of base costs and overhead recovery should be compliant with accepted accounting best practice.
- 5 There should be a clear understanding of how the methodology should be used by practitioners.
- 6 There should be a generally agreed basis for determining whether a charge should be applied. This should cover the range of services for which charges should be set and for occasions where charges are due to be raised, guidance on where discretion can be applied.

3.2 The document uses the principles to set the methodology for charging for services for:

- a) The policing of events
- b) The provision of good and services to 3<sup>rd</sup> parties
- c) Charging for services to Government Agencies

#### 4. Definition of Cost

4.1 The cost of a service and the charging for the service are clearly linked. But, the cost of a particular service can relate to the purpose of the usage. For the purposes of our approach, the following basic costing approaches are defined:-

1 **Employable cost.**

This represents the basic actual cost of the service providers, with no allowance for the recovery of overheads.

2 **Direct Cost**

This is the cost of an officer including both the net pension overhead ("employers' contribution") and a standard overtime recovery element.

3 **Operational Resource cost.**

This represents the cost of the resource employed in the provision of the service. Here, the direct costs and the direct overheads are included.

4 **Full Economic cost.**

This calculation includes all properly attributable costs, including contributions to administrative and general overheads. However, this indirect overhead recovery must relate to the relevant overhead base.

4.2 Clearly, these cost bases are used for different purposes and will achieve different results. There must be, therefore, clarity in how they are used and be consistent in their application.

4.3 The normal application of costing policing for charging purposes should reflect full economic cost recovery. This is particularly true for commercial purposes, where a special police service is being provided using police resource. There are potentially some circumstances where the other cost bases will lead to alternative cost recovery charging.

4.4 The model for charging for services should reflect the cost structure involved in service delivery. Individual components of the model reflect this. There is a consistent construction of direct costs i.e. those costs required to deliver a given police service at a particular location. The costing methodology then provides basis for the recovery of general overheads for an organisation.

4.5 A key principle is that whilst charges should reflect local characteristics of cost e.g. London weighting, the methodology seeks to minimise undue variations. A number of variables in the calculation of costs have that potential and, by using force averages or in some cases, national averages, these undue distortions can be minimised.

4.6 The costing model set out in section 2 therefore forms the basis of calculating a productive hourly rate for police officers (and police staff) providing the service. Some specialist services e.g. – Mounted Branch, underwater search, or air operations carry additional costs either as direct costs or direct overheads. These costs should also be recovered specifically and transparently.

#### 5. Charging for the Policing of Events

5.1 A Police force has a responsibility to assess the safety requirements of an event. 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 and the organiser,

together with the input that the organiser has planned, in order to minimise the risk to the assessed safety requirements.

5.2 However, safety is only part of the role. There is normally an important secondary element of assessing the community effect of 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, then special police services may be requested or implied as necessary as part of supporting either a safety certificate or public entertainment licence. Police services would then be supplied to:-

**1 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.**

**2 Provide additional policing services to increase the level of safety to an adequate level relative to the risk assessment and, therefore, the safety requirement.**

5.3 If it is accepted that these are the 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.

5.4 There are a number of events for which, although a formal safety certificate or PEL is not required, the event includes a range of characteristics that would imply that policing services should be supplied and charged for. The criteria for this are set out later.

5.5 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.

5.6 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. The methodology needs to allow for this and provide some discretion on who should be charged, and under what circumstances.

A principle has been established within the current mutual aid arrangements, that a de minimus level should be agreed so that a small police input below the threshold is not chargeable. This principle can be extended into policing events.

5.7 A second general principle can also be 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.

Charging for Events

5.8 Where the event is at a single location e.g. concert, festival etc, the service should be based on the concept of servicing a "Greenfield site". This recognises that cost recovery directed to the additional policing required - over and above that which would have normally been used to police the location. For a 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 all specialist support, consumables and support costs involved in providing the service should be recovered.

- 5.9 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 S25 Police Act ( see Appendix 1).
- 5.10 The general costing principle that will be applied is a **full economic cost recovery** model. The basis for calculating this is set out in section 2.
- 5.11 The basis of using full economic recovery is to make full recovery, in order to ensure local policing resources are used primarily for policing communities. **A guiding principle within the methodology is that where the event is commercial in approach, then full economic recovery should apply.**
- 5.12 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).
- 5.13 Whilst the charging principle will be based on full economic cost recovery, it remains within the Chief Constable's discretion as to whether the charge is applied then, in full. **It is assumed that, where the event is commercial and, for profit, the special policing services charge will be applied, in full.**
- 5.14 There are though some events that a Chief Constable may deem to require an abatement of the charge. Any abatement needs to be considered on both the nature of the event and the normal policing already provided. Commercial events will normally include the key elements that would incur charges under the Police Act. However some events can be non commercial in nature. These fall generally into three categories – events for charitable purposes, community based events and what can be deemed statutory events. They are broadly defined below:

1) **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.

2) **Charitable events**

Events where, although there is a financial gain , the surplus is for charitable distribution.

3) **Community Events**

Those events not for personal or corporate gain but are for community or local interest purposes or to raise funds for local community institutions.

4) **Statutory Events**

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.

The chart in Appendix 2 gives some examples that could apply in each category. It is not exhaustive. The level of charge does not simply depend on the category but, clearly, should depend on individual circumstances – including the ability to charge in law.

- 5.15 This issue has been considered and an approach has been developed that involves a matrix of events, relevant purposes and proposed levels of abatement. The charge should be initially calculated on a full economic basis and identified. Then, according to the matrix shown in Appendix 2 the Chief Constable (or nominated Chief Officer) may apply an abatement factor, if relevant. This will create a transparent approach, with a clear decisions being taken on charge levels. Examples of this as applied are shown later.
- 5.16 The matrix identifies a range of events categorised between Commercial and (two categories of) non commercial activity. It sets out a structured approach to determining the basis of abating any costs identified for charging. The nature of the event in the first table will need to be assessed according to the criteria set out in the lower table. **Generally, the levels of abatement of charge and methodology should be followed to provide a consistent service wide approach.**
- 5.17 The associated assessment criteria is included to help structured decision making with regard to the deployment of officers. All events need to recognise the factors within the assessment criteria. However, in a number of cases local Commanders may expect to police to a level as part of normal policing requirements. The chargeable element would then depend upon the number of additional officers / support needed to provide the event policing roles described above.

#### **Small scale events**

- 5.18 Police forces remain with a duty to police local communities. Where an event is assessed at requiring the equivalent of 24 police hours (however deployed) or lower, Chief Constables should treat such deployments as part of the visibility and local re-assurance components of local policing. For small scale events, these decisions can be taken at BCU level. **As such policing of small scale events under these conditions should then attract no charge. This situation is included in the matrix as a “de minimus” event.** (Of course, where the event is commercial in nature or the force is supplying services under market conditions, then even small deployments can be charged at the discretion of the Chief Officer.)
- 5.19 The following examples will seek to provide guidance about the use of abatement as a concept. While these cannot be exhaustive, it is intended to provide a framework for decision making. One of the important elements to the review is a need to present a clear and consistent approach to the charging for services. Wide variations in practice will undermine this requirement.
- 5.20 The concept is to create an evaluation as objectively as possible using the criteria. An example of a scoring approach is also shown to help judge the size and nature of events, leading to an assessment of policing, cost and resultant charging requirements.
- 5.21 The criteria set out below, aims to take account of the key characteristics that determine charges under the Police Act. In conjunction with the scoring matrix, the use of the criteria should lead to a more consistent and transparent approach being taken.

Criteria	Assessment
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
PEL/SC required	Most large defined events require a public entertainment license (PEL) or a safety certificate (SC) to operate. It underpins a significant event.
Stewards used	This also characterises a major event – but can also be the basis of a reduction in police input leading to reduced charges
Payment at event	A key determinant of a commercial event. It can also be a factor of a major non commercial event.
Performers paid	Can also underline a commercial event or a major charitable/ non commercial event.
Trader concessions	A secondary indicator of the size of an event – one anticipating a large number of attendees.
Proceeds to charity	This is an indicator of possible abatement, depending on other safety issues and the size of the event
Additional policing	This can give an indication that significantly more policing than the norm is required
Normal deployment	This would, in conjunction with the above, give an indication of the level of chargeable policing resources provided.

5.22 It is good practice to keep a register of the events policed and the decisions on policing levels and any abatement decisions taken. This will provide a validated and transparent trail to cross reference future decisions and provide public accountability.

Examples of using Decision matrix:

Item	Promoter	PEL/SC Required	Stewards used	Payment at event	Performers Paid	Traders Concessions
1 Pop Concert To Police an event on a known site Commercial and managed. Policing & associated costs	Yes	Yes PEL	Yes	Yes	Yes	Yes
	Nature of Event Commercial for profit	Proceeds to Charity No	Community impact Major	Additional Policing Yes	Normal Deployment No	Charging Policy Full Economic recovery

Item	Promoter	PEL/SC Required	Stewards used	Payment at event	Performers Paid	Traders Concessions
2 Traffic Management for event To provide a traffic management service to access / egress to an event	Yes	Yes PEL	No	Yes	Yes	No
	Nature of Event Commercial	Proceeds to Charity No	Community impact Not necessarily local	Additional Policing Yes + PCSO 's	Normal Deployment 2	Charging Policy Full Economic recovery for excess over 2, plus PCSO cost at rate



3	LA "Event in the Park" To provide policing service to the event. Commander decides a police presence is needed.	Promoter Yes - LA	PEL/SC Required Yes PEL	Stewards used Yes	Payment at event Yes	Performers Paid Yes	Traders Concessions Yes
	Nature of Event Not commercial	Proceeds to Charity No	Community impact Local	Additional Policing Yes	Normal Deployment Nominal - say 2	Charging Policy Will support 5 local officers. Full Economic for rest but abated	

4	Community Festival Police a local festival on highway & local park	Promoter No	PEL/SC Required Yes safely	Stewards used No	Payment at event No	Performers Paid No	Traders Concessions No
	Nature of Event Not commercial	Proceeds to Charity No	Community impact Local	Additional Policing Yes	Normal Deployment Nominal	Charging Policy Will support 2 officers = no charge	

5	<b>Tower Block Demolition</b> To provide policing to manage safety aspects of the operation	Promoter No	PEL/SC Required No	Stewards used No	Payment at event No	Performers Paid No	Traders Concessions No
	Nature of Event Not Commercial	Proceeds to Charity No	Community impact Local	Additional Policing Yes	Normal Deployment 2	Charging Policy Will support 2 officers Full Costs for rest but abated	

6	<b>Lord Mayor's Parade</b> Policing a town event through streets & community centre	Promoter No	PEL/SC Required No	Stewards used Some	Payment at event No	Performers Paid No	Traders Concessions Yes
	Nature of Event Not Commercial	Proceeds to Charity No	Community impact Local	Additional Policing Yes	Normal Deployment No	Charging Policy Full cost recovery 50% abatement abated	

7	<b>Major Charity Event</b> To provide policing to a major Tattoo or show promoted for Charitable purposes	<b>Promoter</b> Yes	<b>PEL/SC Required</b> No	<b>Stewards used</b> Yes	<b>Payment at event</b> Yes	<b>Performers Paid</b> Yes	<b>Traders Concessions</b> Yes
	<b>Nature of Event</b> Not Commercial	<b>Proceeds to Charity</b> Yes	<b>Community impact</b> Major	<b>Additional Policing</b> Yes	<b>Normal Deployment</b> minimal	<b>Charging Policy</b> Full Cost recovery	

8	<b>Major private event</b> Providing support to a major Party or private entertainment function	<b>Promoter</b> No	<b>PEL/SC Required</b> No	<b>Stewards used</b> Some	<b>Payment at event</b> No	<b>Performers Paid</b> No	<b>Traders Concessions</b> Yes
	<b>Nature of Event</b> Private event/ Function	<b>Proceeds to Charity</b> No	<b>Community impact</b> Local	<b>Additional Policing</b> Yes	<b>Normal Deployment</b> No	<b>Charging Policy</b> Full cost recovery	

Issues	1	2	3	4	5	6	7	8	9	
	Scores	Pop Concert	Traffic Mgt	LA Event	Commu nity Festival	Tower Block Dem'on	LM's Parade	Major Charity Event	Major Private Event	Football match
1 Promoter	5	5	5	0	0	0	0	5	5	5
2 PEL/SC needed	5	5	5	2	0	0	5	5	5	5
3 Stewards	5	5	0	0	0	0	5	5	0	5
4 Payment at event	5	5	5	0	0	0	0	5	0	5
5 Paid performers	5	5	5	0	0	0	0	5	5	0
Traders										
6 concessions	5	5	0	0	0	0	5	5	0	5
7 Nature of event	10	10	10	0	5	5	5	5	10	10
Proceeds to										
8 charity	-5	0	0	0	0	0	0	-5	0	0
9 Community Impact	10	10	5	2	5	5	5	10	10	7
10 Additional policing	10	10	5	5	5	5	5	10	10	10
Normal										
11 Deployment	-5		-5	-5	-5	-5	-5			-5
Total score	50	60	35	4	15	25	47	45	47	47

Full Cost ✓

Abated / part Cost ✓

No Cost ✓

Scores 0-10 No charge

10-35 Part or abated charge

35+ Full Cost recovery

## 6.0 Charging for Football

6.1 Football matches can be seen as a series of planned events occurring in a Force area. The promoter is the football club. The general principles for the basis of providing the special police services are the same, as set out in 5.2 above.

6.2 The provision of policing services at football is determined by a combination of local match classification, supplemented by national and/or local intelligence. Usually, deployment consists of 3 elements of policing service:-

- (1) A core deployment of officers at, or in the ground.
- (2) A supplementary number of officers provided either for the duration of the match or part thereof.
- (3) Specialist policing/support staff generally provided for a limited period of time.

Economic cost recovery should be used to recover the costs of the officers and staff for the period of their service supplied.

6.3 The deployment of officers to police a match will, of course, cover a period in excess of the length of the game. Officers are needed to parade, obtain equipment, be briefed, transported to deployment points and then returned to base, and debriefed as part of the core deployment. There are significant variations in deployment across the country, but methodology identifies a 6-hour deployment as a basis for the cost recovery of officers in the core deployment.

6.4 Officers used for a period less than the core deployment should be charged at an hourly rate for the number of hours (to the nearest hour) of actual deployment used.

6.5 Officers can be augmented by other members of staff - Special Constables, PCSOs and some support staff for the purpose of supplying the overall service. Appropriate charging mechanisms for this should be used and guidance on this aspect is given in Section 2.

6.6 The basis for calculating charges should, if the methodology sets out, and this document is followed, provide a more consistent charge for the provision of the service. Care should be taken that the chargeable element for police service is consistent with current case law.

6.7 Full economic recovery will cover the cost of providing the relevant officers and staff at the point of service. The methodology allows other directly associated costs to be recovered e.g. police dog, horses, specialist vehicles where such costs can be justified in the context of policing football.

6.8 Occasionally, mutual aid from other forces is requested to police certain matches. In this context, the host force is, in effect, contracting additional officers under S25 Police Act 1996 to provide the service. Special duty rates should, therefore, apply and the providing force reimbursed for the service provided.

## 7.0 Provision of Goods and Services to 3rd Parties

- 7.1 The provision of goods and services will cover services such as the provision of training in particular skills, the provision of information from police databases, etc. and goods which can range from memorabilia to old equipment, etc.
- 7.2 The situation here is conceptually different in that the goods and services are provided and sold in market competitive conditions. As such, pricing policy is largely discretionary to an individual Force/Authority. Forces can be in competition with all other suppliers, including companies, non-profit organisations and other Forces.
- 7.3 Some areas of service, such as the provision of certain information, can be, de facto, a national or local monopoly in that only the police service can provide the service. As a general principle, it can be difficult to justify in the service widely varying costs for, say, the provision of Road Traffic Information. At the least, it creates an overall problem for the service, in terms of credibility to sections of the business or other communities.
- 7.4 It is, therefore, proposed that a set of common service wide goods and services be developed standardised. These are shown in more detail in Appendix 3.
- 7.5 The Appendix shows a range of items, both "goods" and services" that evidence has shown that the majority of forces supply, with an associated charge. A review of the charges has shown that some items have little variation across the country whilst for others charges can vary significantly. Some charges refer to amounts calculated some time ago. It is recommended that the charges shown at Appendix 3 should be applied for the current year but should then be updated for inflation from then on. The nature and level of charge should then be re-assessed at 3 yearly intervals to review their continuing relevance and their link to the cost base.
- 7.6 **For those areas where the service is provided in open market conditions, then a general principle should apply that charges should, at least, recover the costs of supplying the service.** For this to be able to be achieved, Forces should be clearly able to identify the investment (start up) and running costs of the service and then set charges accordingly. This should be based on the model for calculating direct costs. But the charges made will clearly depend on the nature of the market and local pricing decisions.
- 7.7 On some occasions, pricing policy may dictate a marginal costing approach initially being taken. Here, the employment cost identified in the costing model should be the baseline for consideration. Beyond this, Forces should then have a clear understanding of the contribution requirements to direct overheads and set up or other investment costs, in order that they can demonstrate the adequate recovery of costs.
- 7.8 It is clear that pricing policy and market conditions can affect the level of charges. It is important that, in those conditions, all Forces should be able to validate charges set. The costing model can provide a basis for this to be undertaken. In certain conditions, Forces are taking advantage of their spare capacity. It is important in these circumstances that Forces can demonstrate a strong "value for money" rationale to the use of the resources applied.
- 7.9 In other circumstances, the ability to market and benefit from an area of expertise needs pump pricing or investment - often in support activities. It is expected that charges should be set that will recover all the supporting costs, including the pump priming or set up costs within a reasonable investment time period. Charges can exceed the overall level of cost recovery and therefore provide a net income where market conditions allow. But force should be prepared to identify and justify pricing policies if required.

## 8.0 Charging for Services to Government Agencies

- 8.1 The police service increasingly provides a range of services for, and with, other Government Agencies. Many of these are either elements of Central Government - Customs and Excise, Immigration Service, etc. Some, however, are quasi commercial activities having Agency Status.
- 8.2 In the first category, Police Forces are providing often core policing service as a support to the wider public sector delivery of Government objectives - e.g. addressing potential illegal immigrants. Although this can be seen to be akin to special policing services, there are other issues that need to be considered in these circumstances.
- 8.3 A guiding principle here is that in providing the service, a Force often gains an element of self help towards its overall strategic plan. The cost of the resource usage needs to be recovered in that light.
- 8.4 Where police or support staff resource is used in providing the service, then **the employable cost of the staff used** should be recovered. **To this should be added any additional specific direct costs incurred e.g. consumables, travel and expenses, accommodation etc.** This can either be actual cost, if quantifiable, or can be an average cost calculation, where it is unlikely that differences will be material.
- 8.5 In a number of cases, the provision of the service includes the use of a police provided facility e.g. custody suite, interviewing facilities, etc. A contribution to these overheads can be added to the direct costs used. This can either be by means of a calculation of the direct costs incurred – rent, utility costs etc. or, where in practice this would be difficult or onerous to obtain, by the addition of a general overhead recovery element. In this circumstance, the recovery should be in the range 10% - 20% of the direct costs incurred. The range allows some discretion in the amount of administrative support incurred in providing the service.
- 8.6 In the second category – the quasi commercial activity, the service provided is much more akin to operating in market conditions. Here the same principle should apply. **The charging methodology should use the calculation for resource costs as the starting point for identifying the costs of the service.** To this should be added all associated specific costs incurred in the provision of the service and a contribution towards overheads. Market conditions will either provide a practical constraint or allow full economic recovery to be utilised.
- 8.7 It is important to understand the police role in such activities. In most cases, the skills and experience of officers and staff are being used to enhance another Government based service. Where this is outside of the normal policing role, then there should be the aim of covering all recognised costs together with the appropriate contribution to overheads.

### Cost recovery under grant funding regimes

- 8.8 There is now a range of occasions where police officers (and some support staff) are supported by public grant funding or other external funding streams. The key principle in these cases is to properly identify and recover relevant costs. Where a police officer post being supported is delivering a direct policing service, then recovery should be based on Resource costs. Where, however, the role is utilising police experience or expertise, rather than providing direct policing, then the cost recovery should use total Direct cost less the overtime premium – equating to employable cost plus the "employers pension contribution" for an officer.

## SECTION 2 : COSTING METHODOLOGY

### 1 Background

1.1 The cost of a service and the charging for the service are linked. The cost recovery model seeks to provide a consistent basis for calculating recovery charges. But, the cost of a particular service can relate to the purpose of the usage. For the purposes of our approach, the following basic costing elements are defined:-

1 **Employable cost**

This represents the basic actual cost of the service providers, with no allowance for an overtime premium or the recovery of overheads.

2 **Direct Cost**

This is the cost of an officer including both the net pension overhead ("employers' contribution") and a standard overtime recovery element.

3 **Resource/ Operational cost.**

This represents the cost of the resource employed in the provision of the service. Here, the direct costs and the direct overheads are included.

4 **Full Economic cost.** This calculation includes all properly attributable costs, including contributions to administrative and general overheads. However, this indirect overhead recovery must relate to relevant overheads.

1.2 The normal application of costing policing for charging purposes should reflect full economic cost recovery. This is particularly true for commercial purposes, where a special police service is being provided using police resource. There are potentially some circumstances where the other cost bases will lead to cost recovery charging.

1.3 The model, shown at Appendix 4, builds up to the full economic costs in logical stages. These are aimed to provide stability but at the same time recognise true differences in the cost base of forces. The basic mechanics are set out below:-

- (i) Define relevant Resource cost = Employable cost + direct overheads;
- (ii) Apply relevant contribution to administrative and general overheads;
- (iii) Derive standard or average productive hours;
- (iv) Calculate productive hourly rate (per rank).
- (v) Apply deployment hours for "core" and "supplementary" policing / support.
- (vi) Identify and include all ancillary costs related to the provision of service e.g. consumables.

### 2. Application

2.1. The calculation resulting in the hourly rate of employable resource costs has been revised and updated.



2.2 There are a number of factors that have to be addressed in determining elements of the overall calculation and approach. The major ones are set out below:-

- a) Average or actual cost for officers.
- b) Deriving the cost of allowances within police pay.
- c) Pensions cost.
- d) Accounting for overtime working.
- e) Identifying relevant ancillary costs.
- f) Calculating general overhead recovery.

2.3 Variations in the approach by a Force to these issues can and have led, in the past, to the relatively wide variation in charges. This had led, in turn, to queries being raised about the relative level of those charges. The aim of the model has been to reduce these variations where possible, without undermining the need to recover costs according to those borne locally.

#### Average versus Actual Cost

2.4 There is a clear difference in deriving a cost and charging methodology. Actual costs should be charged where possible. However, there is confusion in what this means when applied to a costing regime. In practice, police officers are generally still costed as an average by rank. These are now normally also budgeted at cost centres but these vary between forces. There are also variations in the cost of individual officers, in the past from Rent / Housing Allowance and currently by the application of police pay reform elements (see below). It is, therefore, acceptable practice to identify an estimate of the average cost per rank, as the basis of both cost and charging. The model derives a force average to apply in all cases.

#### The cost of Allowances

2.5 The cost of allowances has also been a significant is also a cause of variation in police employable pay. If maximum allowances are included in the calculation as some forces have done, the resultant hourly rate is higher than other approaches.

In recent years, there have been dramatic changes in the cost of allowances to a Force, and the Police Reform elements have affected the employable cost of officers. The calculation for any allowances should reflect the average (budgeted) cost per rank, per Force. This will provide both a transparent and realistic view of the employable cost of an officer. It should be seen in the context that the cost recovery exercise addresses other overheads separately within the overall framework.

#### Pensions Overhead

2.6 In essence, this is the main elemental difference for the difference in the cost of a police officer between the employable cost calculation and the resource cost calculation. It represents an employable cost overhead for the purpose of charging out to third parties, although, in budget terms, it represents a separate service expenditure head.

The pension overhead calculation is made at force level. In line with approaches elsewhere, our work was to identify a general percentage to be used. Work at GAD has shown that for a range of forces the current in year service cost of pensions is on average 36% of the police pay budget. Allowing for 11% pay contributions from officers, a recovery rate of 25% should be used calculated on police basic pay. This will be reviewed annually within the overall cost model framework.

### Accounting for Overtime

- 2.7 This remains a difficult issue and there are options to be addressed. Forces have varying approaches between including in the base calculation an estimated element of overtime working within the "standard productive hours" or, calculating a base figure, excluding overtime, and then quoting a premium hourly rate for either extended, rest day or public holiday working.

The approach of the police service has changed. In the cases where charging for police services is relevant, the policing resource should be considered to be in addition to the normal duty time resource required to police the community. In this case, a basic element of rest day working should be assumed as part of direct costs (and an additional 50% is included in the model to accommodate this). This can then be used in the planning of both the service in the area and the event concerned.

Where short notice working becomes necessary, due to circumstances related to the event, then an additional premium is applicable - to reflect the additional direct cost involved. Similarly, policing on public holidays has an additional cost, to be recovered by the appropriate additional premium charge.

### Relevant Direct Overheads

- 2.8 The direct overheads are designed to reflect the other costs attributable directly to the cost of providing the service **at the point of service**. This can involve utility costs, premises and equipment hire and, of course, the provision of catering/subsistence. In most cases, this will be a directly measurable cost, but, in certain cases, involves the apportionment of a Force provided service e.g. communications centre for the period of the service delivery. For certain specialists e.g. dog handlers, an additional overhead calculation to include the average additional costs of the dog can be added. It is expected that only separate, truly measurable additional costs should be added to the modelled overhead recovery. This should, however, be considered separately from the recovery of administration or general overheads and is capable of justification as supporting the point of service delivery.

### Recovery of Administrative General Overhead

- 2.9 Full economic cost recovery includes a properly attributable element of contribution towards the general overheads of administration and infrastructure.

This issue has proved the most intractable. There has been a significant variation in the level of general overhead recovery rates currently used. A general methodology has been created but it, too, provides significant variations. In these circumstances, a view has been taken on the need, particularly in high profile charging arrangements like policing football, to maintain consistency.

It is therefore proposed to use an average rate nationally. From the work undertaken to date the most robust calculation puts the general overhead recovery rate at 28-32%. The model will, initially, use 29% as a national average. More work is, however, needed to underpin this element, as part of the Review of the cost model.

### Productive hours

- 2.10 Research shows that there are at present various different models to determine the number of chargeable hours across the country. These depend on a local view taken of abstractions. It has been noted that a relatively small difference in this part of the calculation leads to a variation that then becomes problematic to explain in comparison with others. The methodology proposed is to use a standard determination of average abstraction, leading to a consistent number of chargeable days per rank. This is set out in Appendix 5(2). It is recognised that this reduces the determination and inclusion of local factors but the debate in this area has to date been unhelpful for the service. This will be reviewed as part of a future update of the methodology.

### Deployable Time

- 2.11 This has also been the cause of variations in application across Forces in the past. Generally, the police service provided to a third party is planned in advance. There is, therefore, a core service that is agreed to be provided. This core service can be measured in hours or productive "days", where a day is a defined number of hours. Clearly, the deployment time for the service must include all relevant components, from initial parading and briefing, travel time included to and from the service point, the actual policing service itself and a de-brief if necessary.

## **3.0 Ancillary Costs**

- 3.1 Most events will have a period of core policing service and a transparent approach should be taken in identifying this with the promoter/organiser. This will also give clarity to the police managers at the point of delivery.
- 3.2 At some events or occasions, the core police service will be augmented by an additional resource for a period of time. In this case, the supplementary resource should be added as additional direct cost - for a relevant number of hours. (An hour, or multiples of an hour, should be the minimum time unit used). The charging model should still be applied in the same way but for a different amount of deployed hours, allowing a transparent approach to be taken for the use of supplementary resource at an event.
- 3.3 The Special Constabulary forms a resource that is capable of providing part of the policing service. They are a trained supplementary police resource, generally deployed to provide "small event" policing or to augment policing at larger events. Specials incur a range of costs in uniform/ equipment, travel and subsistence, training, and the use of police vehicles and control equipment. There are no direct employable costs.
- 3.4 It is important that the use of this resource is not distorted - (by the supplier or receiver) by using the charging methodology. On the one hand, specials have the powers of a constable and can therefore be deployed as a recognisable police resource. On the other, the cost base of the specials is demonstrably lower than regular officers. To reflect that it is recommended that a ratio of 2:1 is used for both deployment and charging regimes. i.e. 8 specials would score as a deployment of 4 constables and would be charged as 4 constables.

### Other Police staff

- 3.5 PCSO 's represent a different element of the extended police family. Their role is complementary to police activity. They are capable of being deployed to augment the service and provide visibility and re-assurance (e.g. small scale events), and **should be included at the police staff direct charging calculations.**

- 3.6 There are increasingly circumstances where specialist police staff provide a front line service as part of special police services. Where police staff have relevant powers and are acting in a core role then they should be included within the direct cost of service calculation.
- 3.7 Care should be taken in making this assessment. This charging methodology includes the majority of a force's support staff as part of the overhead recovery and it is therefore important to be clear and transparent in the use of specialist police staff.
- 3.8 However, it is often the case that police staff can and are used in the delivery of services outside of S25 arrangements. These staff then form part of the direct cost of service delivered and should be included as part of the direct service cost element.
- 3.9 Appendix 4 sets out guidance on the basis for including individual cost elements in the model. It is not exhaustive and there will be some variation in how budgeted information is held by forces. It should be remembered that there is a balance to be struck between precision and materiality, whilst striving to maintain a consistent approach to the charging methodology.
- 3.03 Additional specific items of cost can also be calculated by use of average actual cost. Examples would include the specific use of vehicles for which an average cost of depreciation, average cost of service/repair and consumables can be calculated as appropriate.

#### **4 Harmonisation**

- 4.1 It is proposed that the guidance on charging methodology be promulgated to the service. The methodology will aim to harmonise charging over a three year time period. During that time forces are expected to review their systems and charging calculations to achieve this. This can be achieved by an annual review and comparison of charge rates under existing arrangements and this guidance.

**Powers for the Charging of Police Services  
Police Act 1996**

**Section 25 Special Policing Services**

Provides the basis of the provision of direct policing.

“The Chief Constable of a force may provide, at the request of any person, special policing 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 Authority of charges on such scales as may be determined by that Authority”

**Section 18 Supply of Goods and Services**

Provides the basis for supplying goods and services other than direct policing to any 3<sup>rd</sup> party.

“Subsections (1) to (3) of section 1 of the Local Authorities Goods and Services Act 1970 (supply of goods and services by local authorities) shall apply to a police authority [and to the Metropolitan Police Authority] established under section 3 as they apply to a local authority, except that in their application to a police authority the references in those subsections to a public body shall be read as references to any person.”

**Section 26 Provision of advice and assistance to international organisations**

(1) Subject to the provisions of this section, a police authority may provide advice and assistance-

(a) to an international organisation or institution, or

(b) to any other person or body which is engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the authority or the chief officer of police for its area.

(2) The power conferred on a police authority by subsection (1) includes a power to make arrangements under which a member of the police force maintained by the authority is engaged for a period of temporary service with a person or body within paragraph (a) or (b) of that subsection.

(3) The power conferred by subsection (1) shall not be exercised except with the consent of the Secretary of State or in accordance with a general authorisation given by him.

(4) A consent or authorisation under subsection (3) may be given subject to such conditions as appear to the Secretary of State to be appropriate.

(5) Nothing in this section authorises a police authority to provide any financial assistance by-

- (a) making a grant or loan,
- (b) giving a guarantee or indemnity, or
- (c) investing by acquiring share or loan capital.

(6) A police authority may make charges for advice or assistance provided by it under this section.

(7) In its application in relation to the metropolitan police force this section shall apply-

(a) as if the power conferred by subsection (1) were conferred on the Commissioner of Police of the Metropolis (and accordingly as if the references in subsections (1)(b) and (2) to a police authority were omitted), and

(b) as if in subsection (6) the reference to a police authority were a reference to the Receiver for the Metropolitan Police District.

(8) The provisions of this section are without prejudice to the Police (Overseas Service) Act 1945 and section 10 of the Overseas Development and Co-operation Act 1980.

## **Section 92 Grants by local authorities.**

Provides the ability of a force to receive a grant towards policing costs from a local authority above normal precept arrangements.

“(1) The council of a county, district, county borough or London borough may make grants to any police authority established under section 3 whose police area falls wholly or partly within the county, district, county borough or borough.

(2) The council of a London borough, county, or district, which falls wholly or partly within the metropolitan police district may make grants for police purposes to the Receiver for the Metropolitan Police District.

(3) Grants under this section may be made unconditionally or, with the agreement of the chief officer of police for the police area concerned, subject to conditions.

(4) This section applies to the Council of the Isles of Scilly as it applies to a county council.

## Charging for Events

## Matrix for assessing abatement of charges.

Type	Event	Charge Category
<b>Commercial</b>		100 %
	Professional sporting events	
	Music Concerts / festivals	
	Bonfire / fireworks celebrations	
	Car boot sales	
	Motoring events	
	Game Shows	
	County / Agricultural shows	
	Tattoos	
	Animal shows	
	Horse racing	
	Events on private property	
<b>Non-Commercial</b>		50%
Charitable	Charity road races – running / cycling	
	Charity events – bonfires etc.	
Community	Community celebrations	
	Town Centre events	
	Town centre markets	
	Local Authority events	
	Carnivals	
	Community fairs	
	Religious Parades	
<b>Statutory Events</b>		0
	Ceremonial parades	
	Remembrance Day parades	
	Jubilee events	
	Constitutional events	
	"De minimus" events	0

## Assessment Criteria

1	Promoter
2	Safety certificate / PEL requirement
3	Stewards used (H&S assessment)
4	Payment at event
5	Performers paid
6	Traders concessions
7	Nature of event
8	Proceeds to Charity
9	Community impact
10	Level of normal deployment
	(Small scale event – de minimus)

## Appendix 3

## Charge Rates for Common Items

	Proposed 2004/05	Proposed 2005/06
<b>A Accident Reports</b>		
1 Copy of Accident Report (full extract up to 30pages)	70.00	72.10
2 Additional pages for same incident (per page)	3.00	3.10
3 Limited particulars (RT Act details)	25.00	25.75
4 Copy of self reporting / minor accident form	25.00	25.75
5 Fatafs - Accident Investigation report	300.00	310.00
6 Fatafs - Reconstruction video	60.00	61.80
7 Rough Data (per page)	20.00	20.60
8 Copy of Scale plan -other than in collision report	30.00	30.90
7 Copy of Police vehicle examination report ( <b>unless provided as full extract</b> )	50.00	51.50
9 Copy of Collision Reconstruction Report ( <b>unless provided as full extract</b> )	50.00	51.50
10 Copy of Collision Reconstruction Report ( <b>unless provided as full extract</b> ) per page (max £50)	3.00	3.10
<b>B Copies of Photographs</b>		
1 from Digital camera ( <b>per disc</b> )	15.00	15.50
2 A4 Index sheet ( <b>digital</b> )	15.00	15.50
3 Photographs ( <b>first photo</b> )	20.00	20.60
4 Each subsequent photograph	2.00	2.10
<b>C Copies of statements - other than in booklets</b>		
1 (per statement – up to 3 pages)	25.00	26.52
2 Additional pages (per page)	3.00	3.10
4 Copy of witness statement ( <b>witness agrees to disclosure of personal details</b> )	30.00	30.90
5 Copy of witness statement ( <b>witness not agrees to disclosure of personal details</b> )	40.00	41.20
6 Interview with Police Officer (per Officer)	100.00	103.00
7 Request for a statement to be written by Police Officer	100.00	103.00
8 Copy of PIC Sheets (2nd copy )	20.00	20.60
9 Copies of Videotapes (provision for CJS)	60.00	61.80
10 Copies of audio tapes (provision for CJS)	25.00	25.75
<b>D Cancellation charges</b>		
1 if request is cancelled prior to search	REFUND	
2 if search is made prior to cancellation	25.00	25.75
3 if search is made and documents ready for dispatch	60.00	61.80
4 Abortive search	25.00	25.75
<b>F Fingerprinting Fees,</b>		
1 One set	20.00	20.60
2 Additional sets thereafter (each)	10.00	10.30



Appendix 3 continued

Charge Rates for Common Items

		Proposed	Proposed
		2004/05	2005/06
<b>G</b>	<b>Certificates</b>		
1	Firearms Certificate issue	50.00	51.50
2	Firearms certificate renewal	40.00	41.20
3	Firearms certificate replacement	9.00	9.30
4	Shotgun Certificate issue	50.00	51.50
5	Shotgun certificate renewal	40.00	41.20
6	Shotgun certificate replacement	8.00	8.25
7	Home Office Club approval	8.00	8.25
8	Registered Firearms dealer issue	150.00	154.50
9	Registered Firearms dealer replacement	150.00	154.50
10	Firearms Museum License	200.00	206.00
11	Pedlars Certificates	12.25	12.25

Costing / Charging model

	Key Data	Proposed Calculation
<b>A</b>	<b>Direct Costs</b>	
1	Basic Salary	Average salary per rank
2	Rent/ Hsg. allowance	Total Budget (inc. Comp grant) weighted by rank/no. of officers
3	Police reform payments	Average CRTP, SPP and Bonus payment per rank
4	Subsistence	Total force budget / no. of staff (weighted)
5	Regional allowances	Total budget weighted by rank no. of officers
6	Other allowances / benefits	Total budget / no. of officers
7	National Insurance	Total of 1-6, calculated as per NI model
=	<b>Total employable cost</b>	
8	Pensions cost	Net In year service cost per FRS 17, allowing for officers contributions – estimated at 25%
9	Overtime premium	Rest day on-cost at 50% of basic pay
=	<b>Total Direct Cost</b>	
<b>B</b>	<b>Direct Overheads</b>	
10	Uniforms / equipment	Total Budget /no. of officers
11	Insurance	Total Budget /no. of officers
12	Transport	Total Budget /no. of officers
13	Training	Dept. budget + devolved budgets / no. of staff
14	Call Handling	Call answering, crime recording, incident handling / no. of officers
15	Communications infrastructure	IT infrastructure, voice services & operational applications / no. of officers
=	<b>Total Operational Resource Cost</b>	
<b>C</b>	<b>Indirect Overheads</b>	
16	General overhead recovery	Average indirect overhead recovery @ 29% (estimated national average)
=	<b>Full Economic Cost</b>	

Costing/ Charging direct Police staff

	Key Data	Proposed Calculation
<b>A</b>	<b>Direct Costs</b>	
1	Basic Salary	Average salary per grade or mid point
2	Employers NI	Average by grade
3	Employers Superannuation	Force calculation to Superannuation Fund
4	Uniform	Average cost per relevant staff (where applicable).
5	Employers Liability insurance	Average cost per relevant staff (where applicable).
=	<b>Total employable cost</b>	
8	Overtime premium	Where applicable – at appropriate rate
=	<b>Total Direct Cost</b>	

N.B. A similar productive hour calculation to police officers should be made for direct service staff.

## Example Calculation

## Direct Costs &amp; Direct Overheads Calculation

		PC	Sgt	Ins	C Insp	Supt	C Supt
		£ pa	£ pa	£ pa	£ pa	£ pa	£ pa
1	Basic Salary	27,342	34,864	41,860	44,562	55,444	65,016
2	Competence	252	493	468	387	0	0
3	Special Priority	162	162	162	162	162	162
4	Bonus Payment	66	66	66	66	66	66
5	Subsistence	83	83	83	83	83	83
6	Rent Allow/Hsg Allowance	1,481	3,211	4,234	4,472	5,069	5,397
7	Regional Allowances	0	0	0	0	0	0
8	Healthcare Scheme	0	0	0	0	0	0
9	Other Misc Allowances	86	86	86	86	86	86
		29,472	38,965	46,959	49,818	60,910	70,810
10	National Insurance	2,202	3,189	4,341	4,691	6,100	6,510
	Employable Cost	31,674	42,154	51,300	54,509	67,010	77,320
11	In Year Pension Cost net	25%	6,836	8,716	10,465	11,141	13,861
12	Overtime premium	0.5	13,671	17,432			
	Total Direct Cost		52,181	68,302	61,765	65,650	80,871
							93,574
	<u>Direct Overheads</u>						
13	Uniforms	276	276	276	276	276	276
14	Insurance	198	198	198	198	198	198
15	Transport	1,125	1,125	1,125	1,125	1,125	1,125
16	Training	599	599	599	599	599	599
17	Call Handling	3,682	3,682	3,682	3,682	3,682	3,682
	Communications						
18	Infrastructure	1,460	1,460	1,460	1,460	1,460	1,460
	Direct Overheads	7,340	7,340	7,340	7,340	7,340	7,340
	Resource Cost	59,521	75,642	69,105	72,990	88,211	100,914

## Example Calculation

	PC	Sgt	Ins	C Insp	Supt	C Supt
	£ pa	£ pa	£ pa	£ pa	£ pa	£ pa
<b>Direct Costs</b>	38,510	50,870	61,765	65,650	80,871	93,574
<b>Overtime Premium</b>	13,671	17,432	-	-	-	-
<b>Total Direct Cost</b>	<b>52,181</b>	<b>68,302</b>	<b>61,765</b>	<b>65,650</b>	<b>80,871</b>	<b>93,574</b>
Direct Overheads	7,340	7,340	7,340	7,340	7,340	7,340
<b>Resource/Operational Cost</b>	<b>59,521</b>	<b>75,642</b>	<b>69,105</b>	<b>72,990</b>	<b>88,211</b>	<b>100,914</b>
Indirect Overheads	13,296	16,881	20,040	21,167	25,581	29,265
<b>Full Economic Costs</b>	<b>72,817</b>	<b>92,523</b>	<b>89,145</b>	<b>94,156</b>	<b>113,792</b>	<b>130,179</b>
<b>Available Productive Hours</b>						
Standard Calculation to be used throughout						
	PC	Sgt	Insp.	Ch. Insp.	Supt	C Supt
Total Days	365	365	365	365	365	365
less :						
Rest Days & Weekends	104	104	104	104	104	104
Annual Leave	26	27	29	29	31	31
Average Sickness	11	10	9	9	8	8
Training Days	8	8	7	7	6	6
Bank Holidays	8	8	8	8	8	8
Net Days	208	208	208	208	208	208
Productive hours per shift	7.25	7.25	7.25	7.25	7.25	7.25
Total Hours	1,508	1,508	1,508	1,508	1,508	1,508
Net Days	208	208	208	208	208	208
	PC	Sgt	Insp.	Ch. Insp.	Supt	C Supt
	£ per hour	£ per hour	£ per hour	£ per hour	£ per hour	£ per hour
<b>Direct Costs</b>	25.54	33.73	40.96	43.53	53.63	62.05
<b>Overtime Premium</b>	9.07	11.56	-	-	-	-
<b>Total Direct Cost</b>	<b>34.60</b>	<b>45.29</b>	<b>40.96</b>	<b>43.53</b>	<b>53.63</b>	<b>62.05</b>
Direct Overheads	4.87	4.87	4.87	4.87	4.87	4.87
<b>Resource/Operational Cost</b>	<b>39.47</b>	<b>50.16</b>	<b>45.83</b>	<b>48.40</b>	<b>58.50</b>	<b>66.92</b>
Indirect Overheads	8.82	11.19	13.29	14.04	16.96	19.41
<b>Full Economic Costs</b>	<b>48.29</b>	<b>61.35</b>	<b>59.12</b>	<b>62.44</b>	<b>75.46</b>	<b>86.33</b>
<b>Short Notice Additional Premium</b>						
	£ per hour	£ per hour				
less than 5 days notice	9.07	11.56				
Public Holiday rate	27.20	34.68				