



House of Commons
Home Affairs Committee

**The Cost of Policing
Football Matches:
Government Response to
the Committee's Tenth
Report of Session 2008–09**

2nd Special Report of Session 2009–10

*Ordered by the House of Commons
to be 26 January 2010*

The Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

Current membership

Rt Hon Keith Vaz MP (*Labour, Leicester East*) (Chairman)
Tom Brake MP (*Liberal Democrat, Carshalton and Wallington*)
Mr James Clappison MP (*Conservative, Hertsmere*)
Mrs Ann Cryer MP (*Labour, Keighley*)
David TC Davies MP (*Conservative, Monmouth*)
Mrs Janet Dean MP (*Labour, Burton*)
Mr Khalid Mahmood MP (*Labour, Birmingham Perry Barr*)
Patrick Mercer MP (*Conservative, Newark*)
Margaret Moran MP (*Labour, Luton South*)
Gwyn Prosser MP (*Labour, Dover*)
Bob Russell MP (*Liberal Democrat, Colchester*)
Martin Salter MP (*Labour, Reading West*)
Mr Gary Streeter MP (*Conservative, South West Devon*)
Mr David Winnick MP (*Labour, Walsall North*)

The following Member was also a Member of the Committee during the inquiry:

Ms Karen Buck MP (*Labour, Regent's Park and Kensington North*)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/homeaffairscom. A list of Reports of the Committee since Session 2005–06 is at the back of this volume.

Committee staff

The current staff of the Committee are Elizabeth Flood (Clerk), Eliot Barrass (Second Clerk), Elisabeth Bates (Committee Specialist), Sarah Petit (Committee Specialist), Darren Hackett (Senior Committee Assistant), Ameet Chudasama (Committee Assistant), Sheryl Dinsdale (Committee Assistant) and Jessica Bridges-Palmer (Select Committee Media Officer).

Contacts

All correspondence should be addressed to the Clerk of the Home Affairs Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 3276; the Committee's email address is homeaffcom@parliament.uk.

Report

On 19 July 2009 the Home Affairs Committee published its Tenth Report of Session 2008–09, *The Cost of Policing Football Matches*, HC 676. The Government's response is published as an Appendix to this Special Report

The Committee's original conclusions and recommendations are in bold text and the Government's response in plain text.

Government response

Letter to the Chairman from Rt Hon David Hanson MP, Minister of State, Home Office, dated 26 October 2009

Thank you for the HAC report on the cost of policing at football matches published in the summer. The Government welcomes the committee's report which has provided a useful contribution to the debate in this important area. I would like to set out the Government's formal response to your report.

The Home Office is aware of the disputes between the football club and the police in regards to charges incurred from policing football matches.

I agree with you in your support for the police to seek full recovery of costs within the footprint area; however I do not believe that this area should be extended to outside the grounds of the football club, thus outside the footprint area.

Your recommendation for collaborative working is one which I share, and have tried to encourage myself. I agreed to meet with the Chairman of the football association. ACPO have advised that they are looking to finalise their guidance soon and have invited football representatives to discuss this issue, I understand the offer was declined.

This revised guidance should resolve the issue of 'inconsistency', a historical problem raised repeatedly by the clubs and mentioned in the debate. It will offer clarification on the nature of costs that the police will seek to recover. Whilst the football authorities seem to want a definitive framework on how much policing a match will cost. This is not possible and it is our belief that a better system will allow for a degree of flexibility, to enable clubs to be charged on a case by case basis, *taking into consideration the revenue they generate*.

I support your recommendation that it is important forces consider the increased security and improved measures that football clubs have implemented. Football clubs have gone a long way to improve the security at matches through increases in stewards and CCTV systems. We recognise and applaud this, however, each match is risk assessed to check if the deployment of officers are necessary. The police make intelligence-based decisions and this is not subject to personal interpretation of the chief constable.

I have offered to meet with football representatives on this issue and this could then encourage discussions on how the situation can be further resolved and if necessary as you suggest explore the idea of changing or creating legislation.

Home Affairs Committee Recommendations

It is right that an increase in police costs which is attributable to the policing of a football match should be met by the clubs rather than the taxpayer. Clubs should continue to pay the total cost of policing on their "footprint". Equally, where it can be shown—using evidence which is available to the clubs—that the police are also incurring costs because of "consequential policing", this should also be met by the club. However, unless it can be proven that clubs should not have to meet the cost of "consequential" policing that is the not a direct responsibility of the clubs result of

their activity. then we cannot support any moves which would force the clubs to meet this cost as well. Any new arrangements must allow this distinction to be made and not merely be a blanket proposal. (Paragraph 8)

They also mention that where it can be shown using evidence that the police incur costs as a result of this policing then this also should be met by the club, unless this cost is not the clubs direct responsibility, and this can be proven. The government agree with this statement. We would wish for full recovery of costs related to policing football matches where possible.

While we are of the opinion that clubs should pay the full cost of the policing which can be directly attributed to their match we also urge the police to recognise the amount of effort the clubs have expended to increase safety at the grounds and the change in atmosphere at football matches. We doubt the necessity of deploying up to 150 police officers on top of the hundreds of stewards at an event which has on average 1.2 arrests. Unless there is specific intelligence of possible trouble which can be shared with the clubs, the police should consider reducing the deployment of officers and they should share intelligence with the clubs to better identify the policing needs and reduce them wherever possible. (Paragraph 11)

Again we agree with this, yet state that the police assess the level of risk associated with a match before calculating how many officers to deploy. This number is shared with the club and they can then discuss accordingly. The final decision rests with the Safety Advisory Group. In the even that there is a disagreement with regards to numbers it would be their decision as to whether or not they deem it appropriate for the match to take place.

We are equally concerned that there seems to be no standardised, approved method to decide upon the policing and chargeable element of a football match. That the charges levied on clubs can change seemingly at the whim of an individual and even what we thought would be standard arrangements such as the length of time officers spend on duty can differ from club to club is unacceptable. (Paragraph 15)

We disagree with this statement. Whilst there is a lack of clarity on the available guidance, the revised edition of the ACPO guidance does offer a framework and explanation of how charges are calculated. It is worthwhile to stress that these charges are discussed prior to the match taking place.

We note the definitive national guidance being drawn up by ACPO and hope that this brings a degree of uniformity into the provision of policing and forms the basis for negotiations between the clubs and the police over the clubs' liability for payment. That the cost can apparently be decided by one person without consultation and negotiation with the interested parties is unacceptable. We recommend that the proposed ACPO Guidelines be made public and form the basis for negotiation with the clubs over the chargeable element of police services and allow variables such as the length of time officers spend on duty to be standardised across the clubs. We further recommend that the police allow clubs a much greater say in the provision of policing. This must become a more collaborative process, involving an independent outside body if needs be. (Paragraph 16)

This recommendation in essence is true, but it should be highlighted that ACPO have advised that they held consultation forums and invited football representatives to attend but to no avail. I have tried to set up meetings with the chairman of the football association, but this has been cancelled twice.

The Football Association should take steps to prevent this from happening. In the context of football the sums which police forces are being advised to write off may be small, but to the community at large the damage is much greater and this harms the relationship between the clubs and the public. (Paragraph 18)

While we do not recommend that the Football Association, Premier League and Football League amend the “football creditor rule”, as it is right that clubs cannot renege on their debts to competitors by declaring administration, we would like them to take steps to prevent police forces being left out of pocket in the event of a club entering administration. For example, it may be possible for all clubs entering the Football League to pay a yearly bond as a condition of entry. This money should be used to help meet the costs incurred by the police and other non-football services when a club enters administration. A mismanaged club should not leave the community as a whole short-changed. (Paragraph 19)

We concur with the view that the police should not be left out of pocket because a club goes into Administration, this must be a matter for the football authorities.

At its heart the disparity between what clubs are legally obliged to pay in policing costs and what the police estimate these costs to be stems from grey areas in the current legislation and Home Office guidance. It is not clear to what extent football clubs and other holders of commercial events are liable for policing away from their “footprint”. This has led to a disparity between what the police consider the full cost of policing the football match to be and what the clubs feel themselves liable to pay. (Paragraph 20)

We agree with this statement however conclude that the ACPO guidance should aim to clarify the ‘grey areas’ mentioned. The working group would have provided an ideal forum for such discussions but the lack of collaboration to date has prevented us from doing this.

Elsewhere in this Report we have suggested practical arrangements that should be introduced to make the policing of football matches more equitable in terms of cost both to the clubs and the public. In particular we have recommended that the clubs pay the full cost of policing which can be attributed to them and the police review their arrangements for policing matches and the process by which these arrangements are decided. We hope these or similar arrangements will solve the problems of payment for all “special police services”, not just football. However, it may be that the lack of clarity and consistency in the system at present prevents a mutually beneficial decision being found. If this is the case we also recommend that the Home Office consider providing legal clarification on the extent to which commercial events are responsible for policing beyond their footprint, if necessary through legislation. (Paragraph 21)

We agree to consider this proposal dependent on how this matter continues to pan out following the publication of ACPO’s revised guidance. If this dispute continues even with the new guidance, then it may be necessary for new legislation.

Letter from the Chairman to Rt Hon David Hanson MP, Minister of State, Home Office, dated 12 November 2009

Thank you for your letter of 26 October 2009 replying to our tenth Report of Session 2008–09, into The Cost of Policing Football Matches. Your formal response was discussed at our meeting of 10 November. Following this discussion, on behalf of the Committee, I request clarification of some of your comments. I would be grateful if this clarification could be provided by 30 November.

One of our recommendations was that, where evidence was available “that the police are incurring costs because of “consequential policing” (i.e. policing beyond the immediate footprint of the grounds of the clubs) this should also be met by the club”. In effect we proposed that for the purposes of calculating the costs incurred by the police, a club’s footprint could in principle be extended to include municipal areas such as railway stations and car parks.

Your letter suggests that you disagree with that recommendation; “I do not believe that this area [the clubs “footprint”] should be extended outside the grounds of the football club”. However, the Annex to the letter also states that “The government agree with this statement. We would wish for full recovery of costs related to policing football matches where possible”. This statement suggests that government policy is in agreement with our recommendation that for the purposes of calculating costs incurred by the police, a clubs “footprint” could include some municipal areas. We would appreciate clarification of what is meant by “full recovery of costs” and if this could include costs incurred to the taxpayer from policing beyond the clubs “footprint”?

The Committee also request clarification on your statement that “a better system will allows ... clubs [to] be charged on a case by case basis, taking into consideration the revenue they generate”. This seems to suggest a fundamental change in how costs are calculated. Is government policy that, in future, clubs are charged on their ability to pay, rather than on the services they receive? This will be a fundamental shift away from the current system in which the police resources allocated to a club are decided by the level of risk involved at each match, not merely on the clubs’ revenue. Can you confirm to us that this principle will remain in place and clubs will be continue to be charged according to need, rather than their ability to pay?

Finally, we thank you for your update on the current status of the revised ACPO guidance and the progress in arranging collaborative meetings between ACPO and football representatives. We are disappointed that offers of a meeting have so far been declined by football representatives, and reiterate our recommendation that greater, trust, openness and clarity is needed in this area. We would appreciate updates on what progress is made in negotiations between the stakeholders in this issue, and whether you will consider changing or creating legislation if progress is not made.

Further letter to the Chairman from Rt Hon David Hanson MP, Minister of State, Home Office, dated 5 December 2009

Thank you for your letter on the 12 November addressing my earlier response to concerns raised on the costs associated with policing football matches. Apologies for any confusion caused. I have noted the clarifications you have requested, and have provided the appropriate explanations below.

I made the statement ‘we would wish for full recovery of costs related to policing of football matches where possible.’ Case law at present limits the costs that can be recovered from clubs to the footprint of the stadium. The footprint includes the stadium and land in the vicinity of the stadium which is under the control of the club and / or where the police presence is for the benefit of the club and the purposes of the match. To achieve full recovery of total costs incurred in policing football matches would require a change in legislation.

Clubs are at present charged on a case by case basis, in which the policing requirement for each game is assessed based on the known risks. Negotiations between clubs and forces are made prior to finalising the request for special police services. In advocating that the revenue generated is considered, I would like to clarify that statement further. For some smaller clubs, which are at the heart of many communities, who have limited financial resources, police costs may pose a relatively higher burden on them than on some larger clubs. However, by using a structured intelligence approach that leads to a clearer view of required deployments, it is anticipated that the number of matches where special police services are required can be reduced, thus limiting the financial impact on such clubs.

I agree with you that greater trust, openness and clarity is needed in this area. I am happy to send you updates on either the progress of stakeholder engagement or should any further progress be hindered, if we look to amend or create legislation.