

STATES OF JERSEY



‘USER PAYS’ CHARGES: STATES OF JERSEY POLICE

**Lodged au Greffe on 19th October 2009
by the Minister for Home Affairs**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to refer to their Act dated 24th June 2003 in which they agreed that no new ‘user pays’ charges should be introduced without the prior approval of the States, and –

- (a) to agree that, in principle, a new ‘user pays’ charge should be introduced and levied by the States of Jersey Police in certain instances for the policing of events run by commercial organisations;
- (b) to agree that, event organisers will be charged the overtime payments for local police officers, the cost of any officers from outside the Island, any specialist equipment required for the policing of such events and, if deemed appropriate by the Comité des Chefs de Police, expenses incurred by the Honorary Police.

MINISTER FOR HOME AFFAIRS

REPORT

Certain public events generate additional policing costs when additional officers are required. Introducing the principle of a 'user pays' charge will enable certain costs to be recovered, thus reducing the burden on the tax payer.

In addition, it has become apparent in recent years that 'event led tourism' has a key role to play in marketing Jersey as a tourist destination. Opportunities for economic development in a small Island are necessarily limited and tourism is an activity which is growing worldwide, and in which Jersey has a strong track record and considerable advantages and expertise. Indeed, the recently lodged Draft States Strategic Plan 2009 – 2014 includes Priority 2 '*maintain a strong, sustainable and diverse economy*' and recognises the contribution made by the Tourism and Agriculture industries to a diverse society.

The purpose of this report is to recommend a framework for co-operation between the Home Affairs and Economic Development Departments and the Department for Education, Sport and Culture regarding charging for police services in respect of certain events.

Background

In July 2006 the then Minister for Home Affairs lodged a report and proposition (P.94/2006) seeking the States approval for the introduction of a 'user pays' charge for the policing of commercial and profit making events in accordance with P.63/2003 (adopted by the States in June 2003) which stated that no new 'user pays' charges could be introduced by Committees of the States without any such charge receiving prior in principle approval by the States Assembly.

The proposition was subsequently withdrawn to enable further discussions to take place between the Home Affairs, Economic Development and Education, Sport and Culture Ministers to develop a proposed way forward.

Since July 2006 there has been much political and public debate around the principle of 'User Pays' as was demonstrated by the number of submissions to the Education and Home Affairs Scrutiny Panel's report (S.R.4/2008). Following discussion at the Council of Ministers on 24th July 2008 the then Minister took the view that, due to the time taken to progress the proposal it would be appropriate for the views of the new Minister to be sought with regard to the introduction of a new 'User Pays' charge.

Scrutiny

In response to the Scrutiny Report S.R.4/2008 the previous Minister for Home Affairs commented that '*this review has set out a balanced view on the issue of 'user pays' for policing events while suggesting that the introduction of a 'user pays' charge for the policing of events would not be inappropriate*'.

The Scrutiny Report recommended that if the Minister for Home Affairs pursues the introduction of a 'user pays' charge for the policing of events, it should be based upon the principle that all events will be considered, albeit with exemption criteria. The proposal is that there will be one category of events for which a charge should be made – events run by commercial organisations. That said, officers from the Economic Development Department, the States of Jersey Police, Honorary Police, the

Home Affairs Department and the Education, Sport and Culture Department will meet on an annual basis with a view to identifying which events will require police attendance as detailed below.

Basis for charging

In order to minimise the administrative arrangements, on an annual basis officers from the Economic Development Department will meet with officers from the States of Jersey Police, Honorary Police, the Home Affairs Department and the Education, Sport and Culture Department with a view to identifying which events will require police attendance based on its schedule of all planned festivals and events. If an event is identified that may require additional police resources early discussions can be held with the event organisers to agree the level of stewarding required in order to minimise the need for additional police resources. The discussions would be influenced by a risk assessment of the proposal, and any previous like events.

The '*in principle*' approval of the States Assembly is sought for the introduction of a new 'user pays' charge rather than approval of any detailed administrative arrangements and processes that will be developed with the Home Affairs and Economic Development Departments, the Department for Education, Sport and Culture, States of Jersey Police and the Honorary Police.

Key principles

The levying of any 'user pays' charge will be based on the following principles –

- It is recognised that there are (and will be) certain events that will attract additional policing costs not included in the States of Jersey Police annual budget.
- There is only one category of event for which, for the moment, a charge should be made, namely events run by commercial organisations.
- If an event is identified, within this category, that may require additional police resources early discussions will be held with the event organisers to agree the level of stewarding required in order to minimise the need for additional police resources. The discussions would be influenced by a risk assessment of the proposal, and any previous like events. The Bailiff's Panel in relation to permission for entertainments will be involved in that it needs to be satisfied about the level of stewarding and policing.
- Where appropriate, event organisers will be charged the overtime payments for local police officers, the cost of any U.K. officers and any specialist equipment required for the policing of the events. In addition, expenses incurred by the Honorary Police may also be recharged if deemed appropriate by the Comité des Chefs de Police.
- There will be close co-operation between the Home Affairs and Economic Development Departments, the Department for Education, Sport and Culture, States of Jersey Police and the Honorary Police in

order that Cultural or 'event led' tourism events are not disadvantaged.

Profit making events run by non-commercial organisations (such as charities)

Serious consideration has been given to the making of a similar charge in relation to events run by non-commercial organisations such as charities which are designed to be profit-making. For the time being it has been decided not to do so because of the benefit which charitable organisations bring to Jersey and because no such events of a size which would require a charge to be made currently exist. However, this may need to be reviewed in the future.

Bailiff's Advisory Panel

Public entertainment is licensed by the Bailiff under Customary Law powers. In exercising this control the Bailiff receives advice from the relevant statutory authorities through the forum of the Bailiff's Advisory Panel.

Any decision, and associated rationale, to levy a charge for police services will be passed to the Bailiff for his information prior to the Panel considering any final plans.

Financial and manpower implications

In accordance with Financial Direction No. 4.1 'Increases in States Fees and Charges', the proposed charge represents a new application of the 'user pays' principle and as such States approval should be sought in accordance with P.63/2003.

The amount of income generated will depend on the number of events that will incur a charge. It is not anticipated that this amount will be in excess of 5% the Home Affairs Department's forecast annual income. Any income generated will be offset against extra expenditure incurred as a result of policing specific events. There are no manpower implications.