



# Police charging

## Clarity at last

### Leeds United v West Yorkshire Police: key facts

The *Leeds United v West Yorkshire Police* litigation regarding charges levied by the Police for match day deployments finally concluded last year. The Police were ordered to repay over £1 million in charges which were levied unlawfully on Leeds United over the previous six seasons. There had been much uncertainty as to the correct basis of charging before the Court of Appeal's intervention, but the key legal principle is now:

*"Pursuant to Section 25 of the Police Act 1996, the police cannot charge a private individual or entity for public order policing on the public highway or on land that is not owned, leased or controlled by that private individual or entity. Where this has taken place, a rebate will be due to that private individual or entity".*

### What does this mean for you?

The overcharging, and in particular, the use of a stadium "footprint" by the Police to work out charges for public order deployments, resulted from nationally-adopted guidance issued by the Association of Chief Police Officers in 2008. Accordingly, the owners of stadia and other sporting/entertainment venues will have been overcharged for police deployments in the period since, although claims for rebates are limited by law to the last six years.

**Where this is the case, the charges are refundable as of right.** That rebate could be significant, as illustrated by the Leeds United case itself.

### Our expertise

Our expertise in this area may be of use to you. We acted for Leeds United in the successful litigation and have represented the Premier League, Football League and various football clubs on police charging matters. The law in this area and the computation of the correct charges is particularly complex. No other firm of

solicitors has our practical experience of successfully claiming rebates of police charges on behalf of its clients.

### Free, no-obligation review and flexible funding

If you would like us to consider whether or not you have a claim and its potential value, we would be happy to undertake a review **free of charge and without obligation to you.** The documents we would need to review your position are described below. If you subsequently wish to pursue a claim, a full range of funding options will be available to you, including fixed fees and (depending on the particular circumstances) arrangements under which you will not have to pay anything for our services unless we are successful in recovering a rebate for you, i.e. conditional fee or damages based agreements.

### Free review

If you would like to take up our offer of a **free, no-obligation review** of your potential claim, please send as many of the documents listed below as you can, marked for the attention of Chris Davies, Burges Salmon LLP, One Glass Wharf, Bristol BS2 0ZX or by email to [chris.davies@burges-salmon.com](mailto:chris.davies@burges-salmon.com):

- Special Police Service Agreements, Requests or Memorandum of Understanding.
- "Footprint" or plan of the venue.
- Invoices issued by the Police in relation to police charging.
- Correspondence with Police regarding charging, footprint or ACPO guidance.
- Schedule of actual policing costs and number of matches in each risk category from 2009/10 until current season.
- Operational Orders provided by the Police (if any).

Your enquiry and any documents sent to us will be treated in strictest confidence.

### Burgess Salmon Police Charging team

If you need more information, please do not hesitate to contact either:



**Andrew Burnette**  
Partner

+44 (0) 117 902 7734  
[andrew.burnette@burges-salmon.com](mailto:andrew.burnette@burges-salmon.com)



**Chris Davies**  
Solicitor

+44 (0) 117 307 6985  
[chris.davies@burges-salmon.com](mailto:chris.davies@burges-salmon.com)

Burgess Salmon LLP, One Glass Wharf, Bristol BS2 0ZX Tel: +44 (0) 117 939 2000 Fax: +44 (0) 117 902 4400  
6 New Street Square, London EC4A 3BF Tel: +44 (0) 20 7685 1200 Fax: +44 (0) 20 7980 4966

[www.burges-salmon.com](http://www.burges-salmon.com)

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