



**Lancashire
Constabulary**

police and communities together

DECISION 41/2016

DATE: 21 DECEMBER 2016

TITLE: LEARNING AND DEVELOPMENT LICENSING

REPORT BY: BRETT BISCOMB, COMMISSIONING OFFICER

Executive Summary

The College of Policing is introducing new licensing arrangements that govern how police forces use its training materials. The College of Policing own the copyright to the majority of training programmes delivered by forces.

The College were given ownership of the copyright to these programmes by the Home Office and ACPO on its creation.

A new licensing framework is being implemented to simplify and standardise the way the College provides materials and other services to police forces.

These arrangements benefit the college through:

- Clarifying how College materials and other products may be used.
- Ensuring compliance with copyright law.
- Providing enhanced licensing support through Intellectual Copyright
- Providing a mechanism for licensees to generate income from College materials.

Recommendation

The Police and Crime Commissioner is recommended to sign the licence

Signature

Police and Crime Commissioner

Date 21.12.16

PART I

Appendix A

1. Background and Advice

There are broadly three types of copyright licences under the framework:

Non-commercial licence – generally for published, freely available works

Standard licence – used predominantly to provide free licences to Home Office forces

Commercial licence – used where College intellectual property is being commercialised

College materials are automatically protected as literary works under UK copyright law. This means that it is an offence for anyone to perform any of the exclusive rights granted to the College without obtaining permission. The licence also gives the College the opportunity to set out its terms under which the licence is granted to ensure that minimum quality criteria and delivery standards are met and that its intellectual property is protected.

The College intends to licence programmes such as Initial Learning, Core Leadership, Firearms, Public Order, Investigative Skills, Public Protection, Intelligence, Covert, Roads Policing and Driver Training, Mainstream Cyber Crime, Personal Safety Training, First Aid, Police Trainer Roles and Detention. This equates to 90% of our training course provision.

The College is not currently seeking to introduce any new charges to Home Office forces in relation to the granting of the standard licence but it does impose certain restrictions and obligations. For example, the permitted audience is generally restricted to Home Office police personnel.

But the licensing arrangement brings with it several restrictions.

1. Licensees are required to obtain prior written approval from the College to extend the permitted audience for each programme, whether on a commercial or non-commercial basis.
2. In line with HM Treasury rules, the College is required to charge non-Home Office organisations for using its licensed programmes on a cost recovery basis.
3. Under the standard licence, Home Office forces are only permitted to charge and deliver training to Home Office forces.
4. A commercial licence would be required for a Home Office force to deliver to a non-Home Office force.

5. Neither the non-commercial or standard licences permit College materials to be used for commercial purposes.
6. Where licensees wish to use College materials for commercial purposes they will need to obtain permission from the College.
7. The College will impose a royalty fee of 12.5% Sales Revenue on income generated through commercial licences.

The standard licence Lancashire is issued with does not allow College materials to be used for commercial purposes. It also does not allow College materials to be delivered to wider than specified permitted audiences or to be shared with, distributed or communicated to, other parties (including suppliers) without the College's permission.

Lancashire delivers training (in particular Driver Training) to both Home Office and non-Home Office forces. We generate approximately £600k per year from providing training and accommodation. Under our standard licence we are only able to deliver to Home Office forces. To continue to deliver to non-Home Office forces we require the permission of the College of Policing and we will be required to pay 12.5% levy based on the income generated from the training. This would equate to approximately £60k per annum.

The College are in contact with non-Home Office forces over licensing. They are being advised by the College that they should only use forces training providers that are licensed to provide this training.

2. Links to the Police and Crime Plan

Training and development of police officers and police staff is essential to ensure the Constabulary deliver the highest standard of service to the public.

3. Consultation

N/A

4. Implications

a. Legal

Advice on the Licence has been sought from our Legal Department. They advise that there is nothing in the License which is so detrimental that they would advise against signing it.

b. Financial

- If we choose not to sign the licence and not to pay any levy it is likely that non-Home Office forces would move their training to forces that are licenced to deliver. One non-Home Office force has advised us that they will do this.
- This may result in a loss of income worth £500k per annum
- If we sign the licence this would result in us having to pay 12.5% levy on the income we generate (approx. £60k per annum) but we are more likely to retain the business.
- The levy would be added on to the costs we charge non Home Office forces and we would review our charging structure to minimise the impact of the levy.

c. Equality considerations

It is not considered that the contents of this proposal and the subsequent delivery of service proposed will disproportionately affect any protected characteristics as defined in the Equality Act 2010.

5. Background Papers

None

6. Public access to information

Information in this form is subject to the Freedom of Information Act 2000 and other legislation.

Part 1 of this form will be made available on the PCC website within 3 working days of approval. Any facts/advice/recommendations that should not be made available on request should not be included in Part 1 but instead on the separate Part 2 form.

Officer declaration	Date
LEGAL IMPLICATIONS – As above	
FINANCIAL IMPLICATIONS – As above	
EQUALITIES IMPLICATIONS – As above	

CONSULTATION – As above	
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Director to the Office of the Police and Crime Commissioner (Monitoring Officer)

I have been informed about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner for Lancashire.

Signature.....Date.....

PART II

Restricted Information:

Financial:

1. The anticipated cost of the provision of services under the 12 month extension to the original contract agreed with Victim Support is £659,164.00
2. This amount represents a reduction in costs by Victim Support of approximately 6.3% when compared with the original contract value for 2015/16. This represents a saving to the Commissioner of £44,836.00