

Before :

MR JUSTICE GREEN

Between :

Ipswich Town Football Club Company Limited

Claimant

- and -

The Chief Constable of Suffolk Constabulary

Defendant

Monday 27th February 2017

Press Note

This note is not part of the judgment.

1. This is the second part of litigation between Ipswich Town Football Club (the Club) and the Chief Constable of Suffolk Constabulary (the Police). In the first trial (reported at [2016] EWHC 1682) I found that under section 25(1) Police Act 1996 the Police were entitled in law to charge the Club for the provision of policing services in two roads bordering the football ground used by the Club at Portman Road (Portman Road and Sir Alf Ramsey Way). Because the case raised important issues of principle about the scope of police powers I granted permission to appeal and the appeal is due to be heard in June 2017.
2. This second stage of the case concerns the fact that for some years the Police charged the Club for policing services that they provided on match days outside these two bordering roads when, as I found in the first trial, they were not allowed to do so. The Club now seeks restitution of sums which have been overpaid.

3. The issues arising concern the scope of the duty on public bodies (such as the Police) to repay sums that they have received by virtue of the unlawful exercise of their statutory powers. It also concerns the defences available to such public bodies. In particular in this case the Police have argued that that had they known what the law actually was when they first entered into contracts to provide policing services to the Club they would in fact have charged more for the services they were allowed to charge for and therefore if they are now, many years later, to be required to unravel those arrangements the Police should be able, in effect, to set off the sums they would have charged against the sums they wrongfully charged for. It just so happens that when the Police perform this recalculation the Club still owes it money, rather than the other way round
4. I have found in the judgment made available today that the Club has a right to recover the sums upon two different restitutionary bases. I have also rejected the argument of the Police that they should be able to rewrite the old contracts.
5. I did however find for the Police on two important matters.
6. First I have rejected the argument of the Club that (under section 32(1) Limitation Act 1980 which stops time running in cases of mistake) the time for bringing claims only commenced in 2012 upon the basis when, it is argued, that this is the point in time when the law first became clear. I have found that a person in the position of the Club could have worked out that it had a possible cause of action in 1988 or at the latest 2006. I have not therefore allowed the Club to seek to recover for an extended period of time.
7. Second, I have rejected the argument that the Club should recover compound interest. I have awarded only simple interest on the sums to be repaid.