



SIA Presentation
Thursday 10th September 2009, Park Centre, Belfast

1. Types of licence.

a) Front-Line guarding

All security guards who undertake designated licensable activity (guarding property, premises or people) require a front line licence. (See attached Schedule 2, Paragraph 2 of Private Security Industry Act 2001).

Managers and supervisors of security operatives who undertake front line activities in addition to their managerial role(s) will also require a front line licence.

In both cases the "In-house exception" applies.

b) Non-Front-Line guarding

Those who are not directly involved in front line activities but who may manage or supervise operatives who engage in licensable activity will require a non front line licence.

Centre managers do not need any SIA licence to merely give directions to a licensed individual who is employed under contract from a security company to work in their centre.

Again, the "In-house Exemption" applies.

c) Public Space Surveillance (PSS)

A Public Space Surveillance (CCTV) licence is required when manned guarding activities (as defined in Schedule 2, Paragraph 2 of the Private Security Industry Act 2001) are undertaken involving the use of closed circuit television equipment to:

a) Monitor the activities of a member of the public in a public or private place; or

b) Identify a particular person

This includes the use of CCTV in such cases to record images that are viewed on non-CCTV equipment, for purposes other than identifying a trespasser or protecting property.

This applies only if services are supplied for the purposes of or in connection with any contract to a consumer i.e. the "In-house Exemption" applies.

When there is a contract for services in place, a CCTV licence is required for those operating centre CCTV whether or not this is their primary role. So a licence will be required for those who habitually undertake the role of a CCTV operative to cover lunch breaks/rest periods.

d) Door Supervisors

A door supervisor licence is required if manned guarding activities are undertaken in relation to licenced premises.



Guards working in relation to any **area covered by an Entertainments Licence**, must hold a Door Supervisors licence.

A Front-Line security guarding licence in licensed areas when the entertainment licence is 'switched on' would not be compliant. However, a Door Supervisor's licence automatically includes Front-Line accreditation to work as a security guard. Therefore, if your shopping mall has an Entertainments Licence or holds events throughout the year requiring an Entertainments Licence, you will need to ensure security operatives within the licensed areas hold the Door Supervisors licences.

The "In-house" exception does not apply to licensed areas. Therefore even security operatives deemed to be 'in house' require a Door Supervisor licence when guarding areas subject to Liquor or Entertainments licences.

Those of you who have already put all your guards through the frontline security guard training but who now believe Door Supervisor Licences are required may wish to consider drafting-in temporary door supervisors when needed until anticipated changes to SIA qualifications are implemented in 2010. These changes will introduce training in a modular format allowing those trained as security guards to update their qualification by completing the additional door supervisor modules rather than undertaking an entire training course.

Examples of when it appears Entertainment Licenses are required include live musical events hosted on mall and judo or karate demonstrations. For further info on the requirement for Entertainment Licenses see <http://www.belfastcity.gov.uk/buildingcontrol/licensing.asp>

- e) Clamping Licence (referred to as vehicle immobilization (VI))
Required for all operatives, which **includes in-house as well as contracted staff**, directly involved in the clamping and un-clamping of vehicles. Does not include, for example admin staff in an office environment who may receive payment of fines or who issue receipts.

Those who manage or supervise vehicle immobilisers must have at least Non-Front-Line guarding licence.

Where a centre has a contract with a company to carry out the VI work a centre manager who merely gives directions to licensed staff does not need a NFL licence.

Where in-house VIs are employed anyone who directly manages or supervises them needs at least a NFL licence as do the company directors.

2. Definition of "In-house"

- 2.1 For the purposes of SIA matters, Security Staff are regarded as being "In-house" only if they are employed by the company or entity owning the shopping centre i.e. not if they are employed by a managing agent or some other holding company. **So don't think that your guards fall outside of the requirement for SIA licensing just because your security isn't provided by an external contractor.**

- 2.2 Exact definitions of every aspect of SIA regulation are still not available as many gray areas await clarity which will be provided by the result of pending court actions.



However, the SIAs stance is that even if guards are directly employed by the owner of the shopping centre **the "In-house" exemption will not apply if a contract for services between the Centre and its tenants can be shown**, either written or implied.

Ultimately it will be for the courts to decide if an activity is licensable. The advice given to us by the SIA is given in good faith. However, only you are aware of the full facts of the activity being undertaken, and if you are in any doubt as to its licensability you are advised to seek independent legal advice.

Examples

e.g.1

If someone was to ask one of your tenants what they would do if they suspected they had a shoplifter or they had a difficult customer they wanted to eject and their standard practice was to call on centre security to deal with the matter there is a likelihood a contract for services was in place and the "In-house" exemption would not apply. If there is no such contract between the Centre and its tenants it would be advisable to issue written confirmation to the tenants and to the security staff that they do not carry out "licensable activities" in relation to the tenant businesses.

e.g.2

If a guard witnesses an assault in progress on a tenant's staff member within a unit and intervenes, this would not be deemed to imply a contract on the basis that it is what might be expected of any upstanding member of the community.

3. Miscellaneous

3.1 Applications in progress

All security staff are required to be licensed by 1st December 2009. The regulations will be breached if any unlicensed guard is employed or utilized from that date onward. This is a criminal offence both for the individual and the company/person who deploys them. No allowance will be made for applications in the course of approval. The only exception to this rule relates to **Approved Contractors**.

3.2 Approved Contractor Status

Security companies can apply for Approved Contractor status. In order to achieve this they will need to convince the SIA that they meet certain quality criteria. One immediate benefit of achieving ACS is that 15% of guards will be permitted to work while they applications are being processed as long as they can provide a License Dispensation Notice issued by their company and authorized by the SIA.

3.2 Duration of license

Each license will be valid for 3 years from date of issue (even if that predates December 1st 2009 introduction of SIA licensing requirement) (unless revoked sooner) except a VI licence which is valid for 1 year.

3.2 Revocation

Licenses may be revoked, generally as a result of the holder being found guilty of a criminal offence. The individual will be informed but the employer and Centre will not. Continuing to employ or utilize the services of an unlicensed guard may lead to prosecution. It is therefore vitally important to ensure that your contractor undertakes regular and frequent checks of the SIA register (suggested every 2 weeks). Checks can



be done on line and we suggest you ensure that this is made a term of any contract with your security services supplier.

3.2 Renewal

A licence should be renewed prior to the expiry of the original licence.

A licence renewal may be applied for up to 16 weeks prior to the expiry of the original licence.

If the new licence is issued before the expiration of the original the time remaining will be added to the new licence.

At the moment there is no requirement for refresher/additional security guard training and a time period of 8-10 weeks should still be allowed for the processing of renewal applications.

The fee for renewing a licence is currently £245