

Security at events

Guidance on the Private Security Industry Act 2001

Updated February 2008



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I Introduction

The purpose of this guidance is to ensure that everyone connected with the events industry is aware of their legal responsibilities under The Private Security Industry Act 2001.

The guidance contained within this document is produced by the Security Industry Authority. It is intended to assist event organisers, venue managers and those responsible for the management or deployment of security operatives at venues and sports stadia to determine licence requirements under the Act, and to ensure that all security personnel covered by the legislation are correctly licensed.

It is however, only intended as general guidance. It is not a substitute for the definition of licensable activity within the Private Security Industry Act 2001, and for the avoidance of doubt should be read in conjunction with the Act. It does not remove the need for those concerned to consider the implications of the Act for particular events or premises, and to seek appropriate independent legal advice.

It is not possible to give definitive guidance as to who is licensable in all circumstances because it will always depend on the specific circumstances of the case. Nowhere in the legislation does it say that standing at a nightclub door or by a factory gate is licensable. It doesn't describe watching a CCTV monitor, sitting at a reception desk, walking in a shopping mall or searching people or bags as licensable. These individuals become licensable if they engage in 'designated activity' as described in the legislation.

Understanding what makes someone licensable is important and that is why we have published this guidance. Those responsible for events or the deployment of personnel must consider the specific circumstances and ensure that those carrying out licensable activity are appropriately licensed.

We recognise that it is not always easy for event organisers and suppliers of personnel to establish which individuals carry out licensable activity. This guidance has been updated in the light of experience and some common misunderstandings. In considering our response to any given set of circumstances, we always aim to take a proportionate approach. We will expect to see that organisers have acted in good faith and sought to ensure that the right people are licensed by taking a reasoned and open approach including reference to this guidance and, where necessary, seeking authoritative legal advice. Contrivances or misrepresentations to disguise the fact that someone is licensable would not demonstrate good faith. Although we cannot speak for other authorities, it seems likely that a similar approach would be adopted.

The SIA licensing requirement does not include those individuals who do not engage in licensable activity. We do not have the remit or expertise to regulate events – this is the responsibility of other authorities.

2 Why the Act was passed

In the UK, the private and public sectors spend around £4 billion a year on private security. This has created an economically important and politically significant industry; one that employs over 250,000 people. This is no small figure considering there are only around 155,000 police officers in England, Wales and Scotland.

Most venue managers agree that licensing of security personnel should help ensure that their events will be safe as well as successful. That's good news for the entertainment business and the public.

The Security Industry Authority is responsible for regulating the private security industry in Great Britain; we license individuals undertaking designated activities within the private security industry and manage the voluntary Approved Contractor Scheme, which measures private security suppliers against independently assessed standards.

We are committed to the Regulators' Compliance Code, a statutory code of practice for regulators that promotes a risk-based, proportionate and targeted approach.



3 Licensable activities

3.1 Definition of licensable activities

Whether or not a licence is required is determined by the role that is performed and the activity that is undertaken. These are described fully in Section 3 and Schedule 2 of the Private Security Industry Act 2001 (as amended).

If licensable;

- a **front line** licence is required if undertaking designated licensable activity other than key holding activities (a front line licence also covers undertaking non-front line activity). A front line licence is in the form of a credit card sized plastic card that must be worn where it can be seen at all times when engaging in designated licensable activity, subject to the licence conditions.
- a **non-front line** licence is required for those who manage, supervise and/or employ individuals who engage in designated licensable activity, as long as front line activity is not carried out. A non-front line licence is issued in the form of a letter that also covers front line key holding activities.

Please note: Directors or partners of any company, business or firm that is part of, or a subsidiary of, a security provider supplying licensable operatives in connection with services supplied for the purposes of or in connection with any contract to a consumer will also need to be licensed as either front line or non-front line depending on their role.

For the purposes of the Act, directors includes executive and non executive directors, shadow directors, parent company directors and corporate entities holding a directorship. The definition of a director for the purposes of the Private Security Industry Act can be found within section 25 of the Act.

Overseeing the deployment of contracted-in security operatives as an event organiser does not constitute a managerial or supervisory role for the purposes of the Private Security Industry Act, provided that management and supervision remains with the security company contracted to provide security operatives. However, those employing, managing or supervising in-house door supervisors (see section 3.2.3) require a licence.

Managers or supervisors of individuals where those individuals are required to carry out designated licensable activities for the purposes of or in connection with a contract for the supply of services will require a licence even if the managers or supervisors are an employee of the customer of the services.

If a person merely gives directions to a licensable individual on the customer's behalf, they are not considered a manager or supervisor of that person. In addition, if that person is engaged by the firm providing the security services, to give directions only, they are not required to be licensed.

For more information on front line and non-front line licences visit our website, www.the-sia.org.uk

3.2 Manned guarding

Manned guarding activity includes any of the following:

- a) guarding premises against unauthorised access or occupation, against outbreaks of disorder or against damage;
- b) guarding property against destruction or damage, against being stolen or against being otherwise dishonestly taken or obtained;
- c) guarding one or more individuals against assault or against injuries that might be suffered in consequence of the unlawful conduct of others.

All of the above includes providing a physical presence, or carrying out any form of patrol or surveillance, as to deter or otherwise discourage it from happening or to provide information, if it happens, about what has happened.

It is important to note that paragraph 2(2) of Schedule 2 of the Private Security Industry Act 2001 expands the activity of guarding premises against unauthorised access by including references to being wholly or partly responsible for determining suitability for admission to the premises. It does not qualify or limit the definition in paragraph 2(1) (a) of Schedule 2 to only those who are wholly or partly responsible for determining suitability for admission that require a licence but also those individuals who are simply part of the process of guarding against unauthorised access.

However, this does not include the activities of a person who exercises control over the persons allowed access to any premises to the extent only of securing, or checking, that persons allowed access have paid for admission or have invitations or passes allowing admission.

The manned guarding activities above do not apply to the activities of a person who, incidentally to the carrying out of any activities in relation to a group of individuals which are neither manned guarding activities or checking that persons allowed access have paid etc. (as above), maintains order or discipline amongst those individuals. An example might be a school teacher accompanying children on an outing.

There is a further exclusion that may apply where individuals who do not undertake licensable activity are faced with a sudden or unexpected situation e.g. a fight or going to the assistance of a colleague who is being attacked by members of the crowd. This exclusion will not apply if there is an expectation that an individual will respond to such incidents by, for example, its inclusion in their job description.

Exemption from licensing (in England and Wales only) applies to in house employees when carrying out duties in connection with their employer's use of a certified sports ground or certified sports stand for purposes for which its safety certificate has effect. Employees of a visiting team to such premises are also exempt provided that the visiting team has a certified sports ground or stand. For a more precise description of the exemption see Section 4(6) to 4(12) of the Private Security Industry Act 2001 as amended and the explanatory notes to section 63 of the Violent Crime Reduction Act 2006.

There are certain exclusions mentioned within the Private Security Industry Act 2001. The Act should be referred to for full details of when a licence is not required.

LICENSABLE ACTIVITIES

The following lists some examples of the types of guarding roles which are likely to require an SIA licence, but only if they are undertaken in relation to one or more of the manned guarding activities defined above.

Screening a person's suitability to enter the event or venue e.g. individuals under the influence of alcohol or drugs or demonstrating anti social behaviour.

This includes those who are searching bags to ensure that there is no unauthorised access or any damage to property or injury to others.

Searching of persons and/or property to prevent items that are unauthorised or illegal from entering the premises e.g. cameras, alcohol, drugs or weapons.

Note if the purpose of searching of persons or bags is to ensure that no-one with prohibited items enters the premises, then this is an activity that falls within paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act as an activity that consists of "guarding premises against unauthorised access". If the purpose (or an additional one) is to ensure that no weapons or other dangerous articles are brought onto the premises, then the bag searching would also fall within paragraph 2(1)(a) and potentially paragraphs 2(1)(b) and (c) of Schedule 2 of the Private Security Industry Act on the basis that this would be guarding property and individuals respectively against damage and injury.

Responding to incidents within crowds, queues or the audience to control behaviour which is antisocial, undesirable or likely to result in harm to others.

Ejecting individuals from a venue or event or designated area e.g. concert pit or backstage areas.

Protecting a pitch, track or other identifiable area from spectators or others with the intention of preventing damage to property or persons.

Providing a security presence to prevent and detect crime within a designated area.

Guarding property and/or equipment in situ during the setup and breaking down of, for example, an event or exhibition.

Patrolling the perimeter of an event to prevent unauthorised entry being gained by individuals, through the climbing or breaching of any fences or barriers, or through being let in via an access point.

Observational and reporting roles as part of or in support of guarding fall within paragraph 2(1) as a result of paragraph 2(3) of Schedule 2 of the Private Security Industry Act which includes as licensable activity providing a physical presence or any form of surveillance as to deter or otherwise discourage something from happening or to provide information if it happens about what has happened.

Examples of such roles (but not limited to) include patrolling the venue, observing from fixed positions or monitoring CCTV footage.

It is the responsibility of the individual and his/her employer to ensure that licences are held by those carrying out licensable activity.

It is a criminal offence for any individual to undertake licensable activity, or to supply an individual to undertake licensable activity, without the appropriate licence.

3.2.1 Cash and valuables in transit

A Cash and Valuables in Transit licence is required when guarding property against destruction or damage, against being stolen or against being otherwise dishonestly taken or obtained, involving the secure transportation of property in vehicles specially manufactured or adapted so as to have secure transportation as their primary function. This applies if services are supplied for the purposes of or in connection with any contract to a consumer.

3.2.2 Close protection

A Close Protection licence is required when guarding one or more individuals against assault or against injuries that might be suffered in consequence of the unlawful conduct of others. This applies if services are supplied for the purposes of or in connection with any contract to a consumer.

3.2.3 Door supervision

A Door Supervisor licence is required if manned guarding activities are undertaken in relation to licensed premises*, except where the activity only involves the use of CCTV equipment or falls within the definition of cash and valuables in transit or close protection described above. A Door Supervisor licence is required if an individual performs this activity on their own behalf or for an employer or where services are supplied for the purposes of or in connection with any contract to a consumer.

3.2.4 Public space surveillance (CCTV)

A Public Space Surveillance (CCTV) licence is required when manned guarding activities 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;

including the use of CCTV in these 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.

3.2.5 Security guard

A Security licence is required when manned guarding activity, that does not fall under the descriptions above of door supervision, close protection, cash and valuables in transit, or public space surveillance (CCTV) is undertaken. This applies only if services are supplied for the purposes of or in connection with any contract to a consumer.

3.3 Other sectors

Additional or separate licences may be required by any individuals undertaking the following activities:

3.3.1 Immobilisation, restriction and removal of vehicles

This activity is:

Either:

- a) the moving of a vehicle by any means;
- b) the restriction of the movement of a vehicle by any means (including the immobilisation of a vehicle by attaching a device to it);

* 'in relation to licensed premises' means when those premises are open to the public, at times when alcohol is being supplied for consumption, or regulated entertainment is being provided, on the premises. For a complete understanding of how licensed premises affects manned guarding, please refer to the Private Security Industry Act 2001, Schedule 2, Part 2 (See Appendix 2 of this booklet).

- c) the release of a vehicle which has been so moved or restricted, where release is effected by returning the vehicle to the control of the person who was otherwise entitled to remove it, by removing any restriction on the movement of the vehicle by removing the device or by any other means; or
- d) the demanding or collection of a charge as a condition of any such release of or for the removal of the device from a vehicle.

Vehicle immobiliser activity only applies to activities carried out for the purpose of preventing or inhibiting the removal of a vehicle by a person otherwise entitled to remove it.

Vehicle immobiliser activity only applies where it is proposed to impose a charge for the release of the vehicle.

Vehicle immobiliser activity applies to any activities carried out in relation to a vehicle while it is elsewhere than on a road within the meaning of the Road Traffic Act 1988.

The requirement to hold a licence when carrying out the immobilisation, restriction or removal activity as defined in the Act applies to anyone e.g. land occupiers, in-house employees, staff supplied for the purposes of or in connection with any contract to a consumer or volunteers.

There are certain exclusions mentioned within the Private Security Industry Act 2001. The Act (see paragraphs 3 and 3A of Schedule 2) should be referred to for full details of when a licence is not required.

Vehicle immobilising does not apply to Scotland.

3.3.2 Key-Holding

A Key Holding licence is required when keeping custody of, or controlling access to, any key or similar device for operating (whether mechanically, electronically or otherwise) any lock. This does not apply to:

- the activities of a person who holds a key or other device for obtaining access to any premises for the purposes incidental to the provision in relation to those premises, or in relation to an individual present on those premises, or any services that do not consist of or include the carrying out of any of the manned guarding activities.
- to activities carried out merely incidentally to the provision of any services in connection with a proposal for the sale of any premises or other property to which the key or similar device gives access.

The requirement to hold a key holding licence applies only if services are supplied for the purposes of or in connection with any contract to a consumer.

3.4 Licence integration

In some cases, we are satisfied that the licensing criteria to be met for one activity are sufficient to allow a licensed individual to carry out licensable activity within another. The matrix below shows where a licence may be used for more than one licensable activity.



Licence held	Activity covered								
	Cash & valuables in transit	Close protection	Door supervision	Public space surveillance CCTV ²	Security guarding	CCTV roles only within security guarding ³	Vehicle immobilisation	Key holding	Non-front line (all activities)
Front line Door Supervisor licence holders can work as:			✓		✓	✓		✓	✓
Front line Close Protection licence holders can work as:		✓	✓		✓	✓		✓	✓
Front line Cash and Valuables in Transit licence holders can work as:	✓							✓	✓
Front line Public Space Surveillance CCTV licence holders can work as:				✓		✓		✓	✓
Front line Security licence holders can work as:					✓	✓		✓	✓
Front line Vehicle Immobiliser licence holders can work as:							✓	✓	✓
Key Holder licence ¹ holders can work as:								✓	✓
Non-front line licence ¹ holders in any sector can work as:								✓	✓

¹ Issued in the form of a letter.

² Undertaken to monitor the activities of a member of the public in a public or private place or identify a particular person

³ Only to identify a trespasser or to protect property

3.5 Non-licensable activities

In determining whether an individual is licensable, consideration should be given to the full range of activities that an individual performs. Although other activities may make an individual licensable, the following, on their own, are not licensable unless performed in relation to manned guarding activities described in section 3.2.

- Customer care duties including directing patrons to refreshments, toilet and first aid facilities
- Directing spectators to seating areas by checking tickets
- Providing safety advice and assistance to patrons as required
- Ensuring gangways and exit/evacuation routes are kept clear for health & safety purposes
- Providing assistance in the carrying out of evacuation procedures in the event of danger to patrons, including liaising with representatives of the emergency services
- To be responsible for the health and safety and comfort of spectators within a designated area
- Monitoring and maintaining the pedestrian flow at key locations e.g. entry and exit points.
- Providing guidance and direction to visitors arriving by car or on foot, including the management of roadway crossings to ensure the safe passage of visitors over the roads
- Report to a supervisor or safety officer any damage or defect which is likely to pose a threat to spectator 'health and safety' e.g. a damaged seat or barrier

This list is by no means exhaustive and it should be remembered that it is not the job title that is important; it is the work that an operative actually does (the activity undertaken) that determines whether they need a licence.

3.6 Access control

Individuals that have any responsibility in relation to either screening a person's suitability to enter the premises or their subsequent removal (where this is in relation to manned guarding activity described in section 3.2) from the premises, are still licensable.

Those who are searching persons or bags to make sure that there is no unauthorised access or any damage to property or injury to others are licensable as they are not only physically present, they are also carrying out a more pro-active activity that is intended specifically to guard against one or more of the activities listed in paragraph 2(1) of Schedule 2 of the Private Security Industry Act.

The Private Security Industry Act 2001 excludes certain people from the scope of manned guarding activities, including individuals whose sole responsibility is to control access to a premises or designated area, through checking tickets, invitations or passes.

3.7 Volunteers

Only those individuals employed, or contracted in, to carry out licensable activities are covered by the legislation. Volunteers, by virtue of not being employed or contracted in are not considered to be employees and therefore are not licensable under the Private Security Industry Act 2001 (unless in relation to vehicle immobilising – refer to the Private Security Act 2001).

However, volunteers working as manned guards at events must provide their services for free and receive no financial benefit, payment in kind or a reward for their services to be defined as a volunteer.

The principles on what constitutes a payment in kind or reward are in line with those set out by HM Revenue & Customs. HM Revenue & Customs identifies a payment in kind or benefit as whether it is subject to either PAYE (tax) or National Insurance contributions.

The list provided on the HM Revenue & Customs website (address below) is comprehensive, but not prescriptive, and if in doubt, individuals or organisations should seek independent legal advice.

<http://www.hmrc.gov.uk/employers/ebik/ebik2/table-of-contents.htm>

The following examples provide an indication as to how some common occurrences are likely to be treated:

- The payment of out of pocket expenses (e.g. travelling to and from the event) would not be considered a payment in kind
- The payment of a donation made direct to a charitable organisation would not be considered as a payment in kind as long as no part of this payment is then passed on to the individual
- The provision of a meal or meal vouchers during the working day is acceptable. However, provision of vouchers to be exchanged for, 'lunch at the Ritz' for example could be considered a reward
- The ability to view the event while working (directly before, during or after a shift) would not be considered a reward, however preferential treatment or discounted rates for premium tickets (e.g. Men's Final on the Centre Court at Wimbledon, or a Cup Final match) could
- Tickets provided to an individual for use by themselves (whilst not working), their family or any associate could be viewed as a reward
- The provision of uniform or appropriate equipment for the job would not be considered payment in kind or a reward, nor would certain other items of clothing such as a motif tie. However, the provision of official merchandise e.g. CDs or DVDs could be

3.8 Approved Contractor Scheme – Licence dispensation

The SIA Approved Contractor Scheme provides a framework for setting, improving and monitoring the standards of business management and organisation amongst companies that provide private security services; from licensable operatives deployed on site through to the executives in the boardroom.

As well as giving purchasers assurance of a commitment to compulsory licensing and the quality and standards that can be expected from SIA Approved Contractors, the scheme provides confidence and reassurance to wider stakeholders such as the public, police, employees and the local community. Approved Contractors may use the Approved Contractor Scheme accreditation mark on stationery, livery and websites.

SIA Approved contractors have the authority to deploy a small proportion of staff whose licence applications are pending, in the form of a licence dispensation notice. Please note that the licence dispensation notice is not applicable where operatives work with children or vulnerable adults. Please check the SIA website for detail, (other conditions apply).

There is a register of approved contractors available on our website www.the-sia.org.uk/acs



4 Assessing requirements

In overall terms, the SIA licensing requirement at any venue or event will be dependent upon a number of factors including:

- The security requirement according to the level of risk associated to any venue or event (see section 7.1)
- The employment status of an individual (see section 3.7)
- The type of work (activity) undertaken by that individual (see section 3.2 and section 3.7)
- The extent of the premises which are considered to be 'licensed premises' (see section 6.1)
- Whether those premises are open to members of the public at times when alcohol is being supplied for consumption, or regulated entertainment is being provided, on the premises (see section 6.2)

4.1 Flowchart – Licence requirements

The flow chart overleaf gives general guidance of the main elements that need to be considered in deciding the licensable status of an individual. The information contained within the flowchart is not exhaustive. It should be used in conjunction with the information contained in this document and the Private Security Industry Act 2001 to assist with the decision making process. Individuals should always consider the implications of the Act in relation to their own personal circumstances, particularly Schedule 2 Part 1 (please see Appendix 1 of this booklet).

Note 1 None of the five 'manned guarding' licences is required. However, it should be ensured that activity doesn't fall within one of the other types of licensable activity i.e. key holding or vehicle immobilisation, (see section 3.3.1 and 3.3.2).

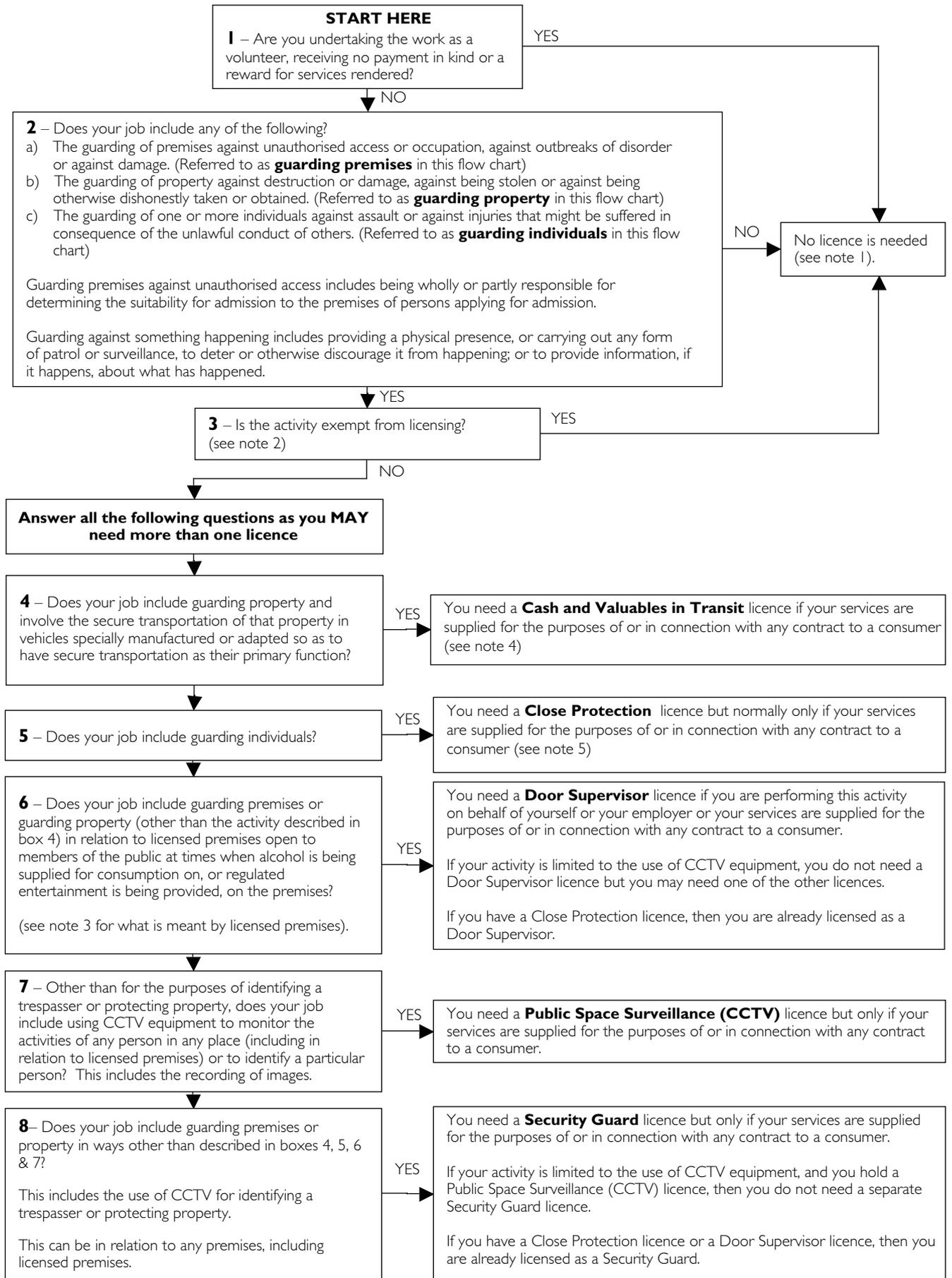
Note 2 There are some exemptions to SIA licensing. These are mentioned in section 3.2.

Note 3 Please see the section about licensed premises (section 6).

Note 4 As this activity is undertaken in relation to property and not in relation to licensed premises (as defined under the Private Security Industry Act 2001) the additional controls under schedule 2 of the Act would not apply even if performed on licensed premises.

Note 5 As this activity is undertaken in relation to persons and not in relation to licensed premises (as defined under the Private Security Industry Act 2001) the additional controls under schedule 2 of the Act would not apply even if performed on licensed premises.

ASSESSING REQUIREMENTS



5 Close protection operatives

Corporate and celebrity clients are often accompanied by close protection operatives (see section 3.2.2) when attending any venue or event; more commonly known as 'bodyguards' these operatives provide protective security, enabling clients to go about their work or leisure activities safely. They may work with a client on a permanent basis, or for the duration of a holiday or business trip.

It is illegal for any individual, supplied under a contract for services, to operate as a close protection operative in England and Wales (and Scotland from 1 November 2007) without holding an SIA licence. This applies to operatives entering Great Britain from abroad regardless of the duration of their assignment.

We recommend that anyone responsible for the management of a venue or organisation of an event and their staff are aware of the requirement for close protection officers to be licensed, either those contracted directly by the event organiser or those brought in, for example, by a celebrity. Organisers should not permit operatives to work at their event or venue if they do not hold the appropriate licence.

For more information on licensing for close protection please visit our website, www.the-sia.org.uk



6 Licensed premises

6.1 Definition of licensed premises

For the purpose of the Private Security Industry Act 2001 in England, Wales and Scotland, the definition of 'licensed premises' is:

- premises in respect of which a premises licence or temporary event notice has effect under the Licensing Act 2003 to authorise the supply of alcohol (within the meaning of section 14 of that Act) for consumption on the premises;
- premises in respect of which a premises licence or temporary event notice has effect under that Act to authorise the provision of regulated entertainment;
- premises in respect of which a licence of a prescribed description under any prescribed local statutory provision is for the time being in force;
- premises specified in a public house licence (within the meaning of the Licensing (Scotland) Act 1976) which is for the time being in force;
- premises specified in an hotel licence (within the meaning of the 1976 Act) which is for the time being in force;
- premises specified in an entertainment licence (within the meaning of the 1976 Act) which is for the time being in force if they comprise a dance hall;
- premises comprised in a place to which an occasional licence granted under section 33(1) of the 1976 Act (occasional licence for premises other than licensed premises or clubs) to the holder of a public house licence or hotel licence extends;
- premises comprised in a place to which an occasional permission granted under section 34(1) of the 1976 Act (occasional permission for sale of alcohol in the course of catering for events arising from or related to the activities of a voluntary organisation) extends;
- premises comprised in a place or class of place for the time being specified by resolution under section 9(5)(b) of the Civic Government (Scotland) Act 1982 (resolution specifying place or class of place falling to be licensed if to be used as place of public entertainment); or
- premises comprised in a place where an activity for the time being designated under section 44(1) of the 1982 Act (additional activities for which a licence is required) is carried on provided that, in the case of an activity designated under paragraph (a) of that section, the requisite resolution under section 9 of that Act has been obtained.

Premises are not licensed premises...

- if there is in force in respect of the premises a premises licence which authorises regulated entertainment within paragraph 2(1)(a) or (b) of Schedule 1 to the Licensing Act 2003 (plays and films);
- in relation to any occasion on which the premises are being used
 - exclusively for the purposes of a club which holds a club premises certificate in respect of the premises, or
 - for regulated entertainment of the kind mentioned in paragraph 2(1)(a) of Schedule 1 to the Licensing Act 2003 (plays and films), in circumstances where that use is a permitted temporary activity by virtue of Part 5 of the 2003 Act;

- in relation to any occasion on which a casino premises licence or a bingo premises licence is in force in respect of the premises under the Gambling Act 2005 and the premises are being used wholly or mainly for the purposes for which such a licence is required; or
- for Scotland, in relation to any occasion on which a licence is in force in respect of the premises under the Theatres Act 1968 or the Cinemas Act 1985 and the premises are being used wholly or mainly for the purposes for which the licence is required.

The licensing authority may choose to license a complete event, stadium or venue. This would require all those undertaking licensable manned guarding activities to be licensed as door supervisors, unless exempted in connection with a certified sports ground or stand (see section 3.2)

The extent of the area covered by any of the premises licences and when such an area is considered to be open to the public will be up to the local licensing authority and not the SIA to decide.

6.2 Premises open to the public

For the purpose of the Private Security Industry Act 2001, licensed premises are considered to be open to the public when alcohol is being supplied for consumption, or regulated entertainment is being provided, on the premises. For a complete understanding of how licensed premises affect manned guarding, please refer to the Private Security Industry Act 2001, Schedule 2, Part 2 (as amended), please see Appendix 2 of this booklet.

References to the occasion on which any premises are being used for a particular purpose include references to any time on that occasion when the premises are about to be used for that purpose, or have just been used for that purpose.

Examples of when events or venues may be considered open to the public:

- A ticket only event where the public can purchase tickets either at the door or through agents.
- An event open to selected members of the public e.g. delegates at a work related conference or exhibition.
- A venue open to members e.g. a student union bar which has been issued a premises licence under the Licensing Act 2003. However it is ultimately the premises licence holders' responsibility to determine when the premises are open to the public.

Examples of when events or venues may not be considered open to the public, for the purposes of the Private Security Industry Act 2001:

- The set up and break down of an event or exhibition where access is restricted to exhibitors and those responsible for its organisation.
- A beer tent situated within a showground, that is closed to members of the public.
- Any occasions when alcohol is not being supplied for consumption, or regulated entertainment is not being provided, on the premises.

7 Managing the implications

We recommend event organisers use risk assessments and job descriptions to determine the SIA licensing requirements at any event or venue. Other opportunities open to organisers to effectively manage the implications of licensing include the use of multi-role staff and/or volunteers.

7.1 Risk assessments

A risk assessment should help identify whether there is a need for staff that carry out any of the designated activities covered under the Private Security Industry Act 2001.

A risk assessment should also prove useful when planning an event to determine the appropriate level of security that may be required or in support of an application to the licensing authority for either a Premises Licence or Temporary Event Notice.

It is therefore recommended that event organisers contact their respective licensing authority at the earliest possible opportunity to discuss any licensing requirements for the event.

7.2 Job descriptions

We recommend that every member of staff is provided with a clear job description. This should detail the activities to be undertaken as part of the role, and the purpose for which activities are being undertaken. It is also suggested that the licensable status of the individual and the location of where the work is to be undertaken are included.

This information will help establish those individuals who undertake designated activities, and which of those do so in relation to licensed premises.

7.3 Multi role staff

It is worth considering if licensed staff could be used for more than one activity, such as being part of a quick response team when no longer required to undertake searches of person and property at the entrance to an event. This may reduce the number of SIA licensed staff required, whilst not compromising the safety of the event. It may also ensure that those who are employed are being efficiently used.



8 Licensing checklist

We recommend that those responsible for security at events:

- 1** Include in risk assessments for events or venues the level of security that may be required.
- 2** Identify the employment status (in-house, contract or volunteer) of individuals working at the event to identify if those individuals are within the scope of the Private Security Industry Act 2001.
- 3** Develop job descriptions for each person working at the event or venue to identify the type and number of licensed operatives that may be required.
- 4** Liaise with the local licensing authority and police to discuss any licence requirements for the event including:
 - a) The type of licence, if any, required for the event to take place.
 - b) Special conditions to be imposed on the licence in respect of security.
 - c) The area to be covered by the licence.
- 5** Following this, work out how to provide the level of security required, which may include the use of:
 - a) Multi role staff to be deployed throughout the course of the event.
 - b) Volunteers.
- 6** Make contact with a security provider to discuss the security requirements for the event:
 - a) Obtain assurances from the company to ensure that only appropriately licensed staff will be provided.
 - b) Check whether an individual is licensed via the Register of Licence Holders on the SIA website www.the-sia.org.uk.
- 7** Consider whether the additional assurance of using an SIA Approved Contractor is required.
- 8** If responsible for the management of a venue where security is arranged by customers:
 - a) Liaison is recommended to ensure any proposals put forward which relate to the provision of both licensable and non licensable individuals comply with requirements.
 - b) Obtain assurances from the company to ensure that only appropriately licensed staff will be provided.
 - c) Check whether an individual is licensed via the Register of Licence Holders on the SIA website.

9 Enforcement

9.1 Penalties

For those working in a licensable security role or supplying unlicensed security staff, without an SIA licence the penalties are currently as follows;

- summary conviction at a Magistrate's Court, Sheriff Trial or District Court: a maximum penalty of six months imprisonment and/or a fine of up to £5,000, or
- (for supplying unlicensed staff only) trial on indictment at Crown Court, High Court of Justiciary or Sheriff and jury trial: an unlimited fine and/or up to five years imprisonment.

Interested parties should seek their own independent legal advice on this matter if they are concerned about their individual liabilities.

9.2 Insurance

Those using contract security teams / staff who undertake licensable activities, are advised to seek assurances from suppliers, for instance through the contract with them, that they are able to provide correctly licensed personnel. Failure to do so could invalidate insurance. The same applies for the use of unlicensed in-house security teams in relation to licensed premises.

The Association of British Insurers has issued guidance to commercial insurers and insurance companies about recognising the importance of SIA licensing. They are equally conscious of the commercial benefits of differentiating between "the best and the rest" of security providers.

The Association of British Insurers recommendations for insurers to consider when underwriting a risk are:

- On issuing or renewing policies and when claims are made, ensuring security providers or business owners are using licensed operatives
- For property claims, consider whether policy conditions have been fully met if unlicensed security operatives have been employed
- Liability insurers have noted the SIA licensing rules and will expect their customers to comply with these rules. Liability insurers may wish to ask their customers if they are employing SIA licensed staff

Additionally failure to comply could put premises and personal licences at risk.

9.3 Reporting unlicensed operatives or unlawful behaviour

We want all of the private security industry to be compliant with the law. We have a range of sanctions for non-compliance available to us including (but not limited to) prosecution. As we say in our published 'Enforcement policy – code of practice', prosecution is not our preferred option but we will prosecute when we think it is justified.

To report unlicensed operatives, breaches of licence conditions and related unlawful behaviour for all licensable sectors online, visit our website, www.the-sia.org.uk. You can report ACS companies who are operating in breach of the ACS conditions or standard, or who are misadvertising ACS status through this route. This information can also be

provided by telephoning our call centre on 0870 2430 100. Please note that our call centre receives a high volume of calls and there may be a delay in the information you provide reaching us.

If you would prefer to provide information anonymously you can do so by calling Crimestoppers on 0800 555 111. Crimestoppers is an independent registered charity that operates across the UK to help identify, prevent and reduce crime. Every call is treated with absolute anonymity so nobody knows the identity of the caller.

We do not routinely disclose our sources and seek to protect the source of any information we receive before disclosing intelligence to our partners (for example, the police, local authorities or other government departments). However, we cannot guarantee the confidentiality of any information provided to us where there are legal, regulatory or operational reasons for disclosure. For example, where a criminal offence has been committed, the police or another government body may need to be informed.

Before disclosing a source, we will obtain consent where it is reasonable to do so. Where consent is not obtained, it remains within our discretion to make a disclosure (the source will be informed where it is reasonable to do so). In some circumstances it may be appropriate to disclose without consent or notice, but in these cases we will always take into account the need for sensitivity towards the source's position. If you wish to ensure anonymity, please report the information through Crimestoppers.

Please note: Crimestoppers will not handle any reports of training provider or qualifications malpractice, or reports of ACS companies not conforming to the ACS conditions or standard.



10 Contact us

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II Appendix I – Private Security Industry Act 2001 Schedule 2

Activities liable to control under the Act

Part I – Activities of Security Operatives

General

- (1) Subject to sub-paragraph (2), the activities which are referred to in this Act as the activities of a security operative are those to which any one or more of the following paragraphs of this Part of this Schedule applies.
- (2) The Secretary of State may by order amend this Part of this Schedule for the purpose of adding or excluding any such activities as he thinks fit to or from those that fall to be regarded for the purposes of this Act as the activities of a security operative.
- (3) The Secretary of State shall not make an order containing (with or without any other provision) any provision authorised by sub-paragraph (2) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

Manned guarding

2

- (1) This paragraph applies (subject to the following provisions of this paragraph) to any of the following activities:
- (a) guarding premises against unauthorised access or occupation, against outbreaks of disorder or against damage;
 - (b) guarding property against destruction or damage, against being stolen or against being otherwise dishonestly taken or obtained;
 - (c) guarding one or more individuals against assault or against injuries that might be suffered in consequence of the unlawful conduct of others.
- (2) In this paragraph references to guarding premises against unauthorised access include references to being wholly or partly responsible for determining the suitability for admission to the premises of persons applying for admission.
- (3) In this paragraph references to guarding against something happening include references to so providing a physical presence, or carrying out any form of patrol or surveillance, as:
- (a) to deter or otherwise discourage it from happening; or
 - (b) to provide information, if it happens, about what has happened.
- (4) This paragraph does not apply to the activities of an individual who exercises control over the persons allowed access to any premises to the extent only of securing, or checking, that persons allowed access:
- (a) have paid for admission; or
 - (b) have invitations or passes allowing admission.

(5) This paragraph does not apply to the activities of a person who, incidentally to the carrying out of any activities in relation to a group of individuals which (disregarding this sub-paragraph) are neither:

- (a) the activities of a security operative, nor
- (b) activities comprising the exercise of any such control as is mentioned in sub-paragraph (4),

maintains order or discipline amongst those individuals.

(6) This paragraph does not apply to the activities of a person who, incidentally to the carrying out of activities which (disregarding this sub-paragraph) are not wholly or mainly the activities of a security operative, responds to a sudden or unexpected occurrence.

(7) This paragraph does not apply to:

- (a) activities that are carried out by virtue of an arrangement made by the Secretary of State under section 80 of the Criminal Justice Act 1991 (arrangements for the provision of prisoner escorts) or section 12(1) of, and Schedule 1 to, the Criminal Justice and Public Order Act 1994 (escort arrangements for offenders: England and Wales);
- (aa) activities that are carried out by virtue of an arrangement made by the Scottish Ministers under section 102 of the Criminal Justice and Public Order Act 1994 (arrangements for the provision of prisoner escorts: Scotland);
- (b) activities that are carried out for the purposes of the performance of a contract entered into under, or for the purposes of, section 84 (contracting out prisons etc) of the Criminal Justice Act 1991 or section 88A (contracted out functions at directly managed prisons) of that Act;
- (c) activities that are carried out for the purposes of the performance of a contract entered into under, or for the purposes of, section 7 (contracting out of secure training centres) of the Criminal Justice and Public Order Act 1994 or section 11 (contracted out functions at directly managed secure training centres) of that Act;
- (ca) activities that are carried out for the purposes of the performance of a contract entered into under, or for the purposes of, section 106 of the Criminal Justice and Public Order Act 1994 (contracting out of prisons in Scotland) or section 112 (contracted out functions at directly managed prisons in Scotland) of that Act;
- (d) activities carried out by a detainee custody officer (within the meaning of Part 8 of the Immigration and Asylum Act 1999 (removal centres and detained persons)):
 - (i) in the performance of escort functions or custodial functions or both (in each case within the meaning of that Part of that Act) which he is authorised to perform under section 154 of that Act (detainee custody officers);
 - (ii) in the performance of a function for the purposes of a contract entered into by the Secretary of State under section 150(1) of that Act (contracted out functions at directly managed removal centres);
- (e) activities carried out by a prisoner custody officer (within the meaning of Part 8 of the Immigration and Asylum Act 1999 (removal centres and detained persons)):
 - (i) in the performance of a function conferred on him by the Secretary of State under section 154(5) of that Act (functions of detainee custody officers); or
 - (ii) in the performance of a function for the purposes of a contract entered into by the Secretary of State under section 150(1) of that Act (contracted out functions at directly managed removal centres);



(f) activities of a person employed by a police authority who is designated by a chief officer of a police force under section 38 of the Police Reform Act 2002 (police powers for police authority employees) which are carried out in the course of that employment;

(fa) activities of a person employed or appointed in accordance with section 9(1) of the Police (Scotland) Act 1967 (civilian employees) and certified in accordance with section 9(1A) of that Act as a police custody and security officer; which are carried out in the course of that employment or appointment;

(g) activities of a person who is designated by a chief officer of police under section 39(2) of the Police Reform Act 2002 (police powers for contracted-out staff) which are carried out for the purposes of the performance of a contract entered into under section 39(1) of that Act by that person's employer;

(h) activities of a person who is appointed under section 24 (constables), 25 (special constables) or 26 (cadets) of the Railways and Transport Safety Act 2003 which are carried out in the course of his employment by the British Transport Police Authority;

(i) activities of a person who is employed by the British Transport Police Authority under section 27 of the Railways and Transport Safety Act 2003 (civilian employees) and who is designated by the chief constable of the British Transport Police Force under section 38 of the Police Reform Act 2002 (police powers for police authority employees) where those activities are carried out in the course of that employment;

(j) activities of a person who is employed by the Civil Nuclear Police Authority under section 55 of the Energy Act 2004 (members of the constabulary) which are carried out in the course of that employment;

(k) activities of a person who is employed as a constable by a harbour authority, within the meaning of section 57 of the Harbours Act 1964 (interpretation), which are carried out in the course of that employment;

(l) activities of a person who is not a constable or an officer of Her Majesty's Revenue and Customs but is authorised for the purposes of section 40 of the Immigration, Asylum and Nationality Act 2006 (searches: contracting out) which are carried out for the purposes of arrangements made under section 40(6)(c) of that Act;

(m) activities of a person who is acting as a manager of any approved premises (within the meaning of section 13 of the Offender Management Act).

12 Appendix 2 – Private Security Industry Act 2001 Schedule 2 Part 2

Activities subject to additional controls

General

7

(1) Subject to sub-paragraph (2), the activities which are referred to in this Act as activities subject to additional controls are any activities which, so far as they are designated activities, are activities to which any one or more of the following paragraphs of this Part of this Schedule applies.

(2) The Secretary of State may by order amend this Part of this Schedule for the purpose of adding or excluding any such activities as he thinks fit to or from those that fall to be regarded for the purposes of this Act as activities subject to additional controls.

(3) The Secretary of State shall not make an order containing (with or without any other provision) any provision authorised by sub-paragraph (2) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

Door supervisors etc for public houses, clubs and comparable venues

8

(1) This paragraph applies (subject to the following provisions of this paragraph) to any activities which are activities of a security operative by virtue of paragraph 2 of this Schedule and are carried out:

- (a) in relation to licensed premises; and
- (b) at or in relation to times when those premises are open to the public.

(1A) This paragraph applies to activities carried out in relation to premises referred to in sub-paragraph (2)(a) only if they are carried out at or in relation to times when alcohol is being supplied (within the meaning of section 14 of the Licensing Act 2003 (meaning of “supply of alcohol”)) for consumption on the premises.

(1B) This paragraph applies to activities carried out in relation to premises referred to in sub-paragraph (2)(b) only if they are carried out at or in relation to times when regulated entertainment is being provided on the premises.

(1BA) This paragraph applies to activities carried out in relation to premises referred to in paragraphs (f) to (j) of sub-paragraph (2) only if they are carried out at or in relation to times when alcoholic liquor (within the meaning of the Licensing (Scotland) Act 1976) is being sold or supplied for consumption on the premises.

(1BB) This paragraph applies to activities carried out in relation to premises referred to in sub-paragraph (2)(k) only if they are carried out at or in relation to times when the premises are being used as a place of public entertainment (within the meaning given in section 41(2) of the Civic Government (Scotland) Act 1982).

(1BC) This paragraph applies to activities carried out in relation to premises referred to in sub-paragraph (2)(l) only if they are carried out at or in relation to times when an activity designated as mentioned in that sub-paragraph is being carried on in the premises.

- (1C) This paragraph does not apply to:
- (a) activities which only involve the use of closed circuit television equipment;
 - (b) activities referred to in paragraph 2(1)(b) of this Schedule and which involve the secure transportation of property in vehicles specially manufactured or adapted so as to have secure transportation as their primary function; or
 - (c) activities referred to in paragraph 2(1)(c) of this Schedule.
- (2) In this paragraph "licensed premises" means (subject to sub-paragraph (3)):
- (a) any premises in respect of which a premises licence or temporary event notice has effect under the Licensing Act 2003 to authorise the supply of alcohol (within the meaning of section 14 of that Act) for consumption on the premises;
 - (b) any premises in respect of which a premises licence or temporary event notice has effect under that Act to authorise the provision of regulated entertainment;
 - (e) any premises in respect of which a licence of a prescribed description under any prescribed local statutory provision is for the time being in force;
 - (f) any premises specified in a public house licence (within the meaning of the Licensing (Scotland) Act 1976) which is for the time being in force;
 - (g) any premises specified in an hotel licence (within the meaning of that Act) which is for the time being in force;
 - (h) any premises specified in an entertainment licence (within the meaning of that Act) which is for the time being in force if they comprise a dance hall;
 - (i) any premises comprised in a place to which an occasional licence granted under section 33(1) of that Act (occasional licence for premises other than licensed premises or clubs) to the holder of a public house licence or hotel licence extends;
 - (j) any premises comprised in a place to which an occasional permission granted under section 34(1) of that Act (occasional permission for sale of alcohol in the course of catering for events arising from or related to the activities of a voluntary organisation) extends;
 - (k) any premises comprised in a place or class of place for the time being specified by resolution under section 9(5)(b) of the Civic Government (Scotland) Act 1982 (resolution specifying place or class of place falling to be licensed if to be used as place of public entertainment);
 - (l) any premises comprised in a place where an activity for the time being designated under section 44(1) of that Act (additional activities for which a licence is required) is carried on provided that, in the case of an activity designated under paragraph (a) of that section, the requisite resolution under section 9 of that Act has been obtained.
- (3) For the purposes of this paragraph, premises are not licensed premises:
- (a) if there is in force in respect of the premises a premises licence which authorises regulated entertainment within paragraph 2(1)(a) or (b) of Schedule 1 to the Licensing Act 2003 (plays and films);
 - (b) in relation to any occasion on which the premises are being used:
 - (i) exclusively for the purposes of a club which holds a club premises certificate in respect of the premises, or

(ii) for regulated entertainment of the kind mentioned in paragraph (a), in circumstances where that use is a permitted temporary activity by virtue of Part 5 of that Act;

(c) in relation to any occasion on which a casino premises licence or a bingo premises licence is in force in respect of the premises under the Gambling Act 2005 and the premises are being used wholly or mainly for the purposes for which such a licence is required;

(ca) in relation to any occasion on which a licence is in force in respect of the premises under the Theatres Act 1968 and the premises are being used wholly or mainly for the purposes for which the licence is required;

(cb) in relation to any occasion on which a licence is in force in respect of the premises under the Cinemas Act 1985 and the premises are being used wholly or mainly for the purposes for which such a licence is required; or

(d) in relation to any such other occasion as may be prescribed for the purposes of this sub-paragraph.

(4) For the purposes of this paragraph the times when premises are open to the public shall be taken to include any time when they are open to a section of the public comprising the individuals who qualify for admission to the premises as the members of a particular club, association or group or otherwise as being persons to whom a particular description applies or in relation to whom particular conditions are satisfied.

(5) References in this paragraph to the occasion on which any premises are being used for a particular purpose include references to any time on that occasion when the premises are about to be used for that purpose, or have just been used for that purpose.

(6) Sub-paragraphs [(1A), (1B),] (2)(a) and (b) and (3)(a) and (b) are to be construed in accordance with the Licensing Act 2003.



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