

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
EXECUTIVE BOARD – 4th AUGUST 2004
REPORT OF THE MANAGER OF CENTRAL SUPPORT**

**PRIVATE SECURITY INDUSTRY ACT 2001
REGISTRATION OF DOOR SUPERVISORS**

Purpose of Report

To inform members of the current situation with regard to the registration of door supervisors at licensed premises within North West Leicestershire and the Private Security Industry Act 2001, which received Royal Assent on 11th May 2001.

Remit of the Board

To note the report.

Policy Matters

None.

Financial/Staff Resources

There are financial and resource implications relating to the new registration requirements. These include the provision of basic advice and guidance to door staff, licensees and security companies, publicity and enforcement.

The District Council are not able to recover all of their costs as registration fees are payable to the Security Industry Authority (SIA), the body responsible for the administration and issue of licences. The majority of, if not all local authority enforcement costs will be incurred under the Licensing Act 2003 and will therefore theoretically be covered by this licence fee.

The SIA have stated that they will reimburse Local Authorities costs for mailing their booklet 'Get Licensed' directly to door supervisors.

Anti-Poverty

None.

Crime and Disorder

The Act itself clearly addresses crime and disorder issues that are associated with door staff and control within premises.

In order to obtain a SIA licence, an individual must undergo a criminal record check. If an applicant has any convictions, warnings, cautions or charges awaiting trial the SIA will consider the relevance, seriousness and date of the offence.

The SIA is exempt from the provisions of the Rehabilitation of Offenders Act 1974 and is allowed full access to an applicant's criminal record. This clearly recognises the important public safety responsibility of door staff.

Human Rights

There are no human rights implications for local authorities under the new Act regarding the licensing process, as the registration scheme will be administered centrally by the Security Industry Authority.

Under Article 8 of the First Protocol, everyone has the right to respect for his private and family life, his home and his correspondence. There may be human rights implications if the local authority were aware of a problem or received complaints for matters which they have a duty to enforce and fail to do so.

1. The Private Security Industry Act 2001

- 1.1 On 11th May 2001 the Private Security Industry Act 2001 received Royal Assent. The Act regulates the private security industry by requiring those working in the industry, including door staff, to apply for a licence. Working without a licence will be a criminal offence.
- 1.2 The Act created the Security Industry Authority (SIA), a public body, to administer the scheme centrally and licence and maintain a register of licensed individuals. The SIA and its functions are now in force.
- 1.3 Door supervisors are the first sector within the private security industry to be licensed. You will need a licence if you are responsible for security, protection, screening the suitability of people entering premises or dealing with conflict in pubs, clubs and other licensed premises open to the public.
- 1.4 The introduction of SIA licensing for door supervisors is currently being phased in on a regional basis starting with Hampshire and the Isle of Wight. In the Midlands, applications have been accepted from 5th July 2004 and a SIA licence will be required from 18th October 2004.
- 1.5 It will be an offence to use or supply unlicensed door staff or work as a licensable door supervisor without an SIA licence. The penalties for committing this offence can be on summary conviction at a Magistrates Court a fine up to £5,000 and/or 6 months imprisonment, or on indictment at the Crown Court an unlimited fine and/or 5 years imprisonment.
- 1.6 To get an SIA licence, you must be over 18, pass an identity and criminal record check, and have the right SIA approved qualification.
- 1.7 The application fee is £190 for a three year licence and the fee is not refundable.
- 1.8 Approved training courses cost from around £250 to £350 depending on the training provider. The Learning Skills Council has provided funding support for door supervisors who need training. The funding support is £102 per person to offset training costs. The Inland Revenue have also agreed to update existing

tax relief regulations so that the SIA Licence fee is tax deductible. Therefore a security worker who pays his own fee will be able to claim tax relief against his taxable income.

- 1.9 It is estimated that a small number of premises currently licensed by the District Council and within the district generally employ door staff.

2.0 Communications

- 2.1 Officers have sought to raise awareness in the trade through the course of their normal duties, for example, discussing the new requirements with licensees at District Council licensed premises during inspections and providing copies of SIA publications.

- 2.2 It is proposed to place an article regarding the new requirements in the Councils newspaper publication.

- 2.3 If there is sufficient interest in the trade, Officers will look to arrange for an SIA representative to attend a meeting with licensees and door staff to answer questions and concerns. If there is insufficient interest or it is felt more appropriate, the SIA will be asked to attend a joint meeting of Coalville and Ashby PubWatch. Officers are in discussion with the Leicestershire Constabulary to agree the most appropriate approach.

3.0 Enforcement

- 3.1 The SIA is responsible for enforcement of its legislation, and local authorities will be responsible for enforcement of the Licensing Act 2003, which includes the mandatory condition under Section 21 that states that where the licensing authority attaches a condition to the licence requiring door supervisors, they must be licensed by the SIA.

- 3.2 It is not expected that local authorities will visit premises just to check that door supervisors have an SIA licence, however, they may discover problems during the course of an inspection or visit under other legislation. Where unlicensed door supervisors are found, the local authority can take action under the Licensing Act 2003, if appropriate, and they, or the Police, may also take action under the Private Security Industry Act if they wish. Alternatively the authority may feel that action is not appropriate and simply pass on the information that they have discovered to the SIA. Therefore the development of an intelligence sharing protocol will be important.

4.0 Memorandum of Understanding

- 4.1 The SIA is drafting a memorandum of understanding (MOU) between local authorities, Police and the SIA incorporating enforcement and general communications. The MOU will be agreed with the Police Liaison Group. Local authorities will have their own discretion as to whether they sign up to the enforcement agreement or not.

5. RECOMMENDED:

5.1 THAT THE REPORT BE NOTED.

Background Papers: SIA 'Get Licensed' publication and Licensing Review

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22nd July 2004

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