

# GWENT POLICE PROCEDURE SECURITY INDUSTRY AUTHORITY (DOOR SUPERVISORS)



Heddlu  
Gwent  
Police

**STAFF ARE REMINDED THAT THIS SUMMARY IS STRICTLY AN OVERVIEW OF THE KEY ELEMENTS OF THE DOCUMENT AND FOR A MORE COMPREHENSIVE EXPLANATION THE WHOLE OF THE DOCUMENT SHOULD BE READ**

**This procedure explains the processes by which Gwent Police will deal with persons licensed by the Security Industry Authority (SIA), working as Door Supervisors (Frontline licence), and their Supervisor or Manager (Non Frontline licence). Officers must be aware that only Door Supervisor services supplied by contract i.e. not “in house”, but supplied at a cost by a “security company” need to be licensed by the SIA.**

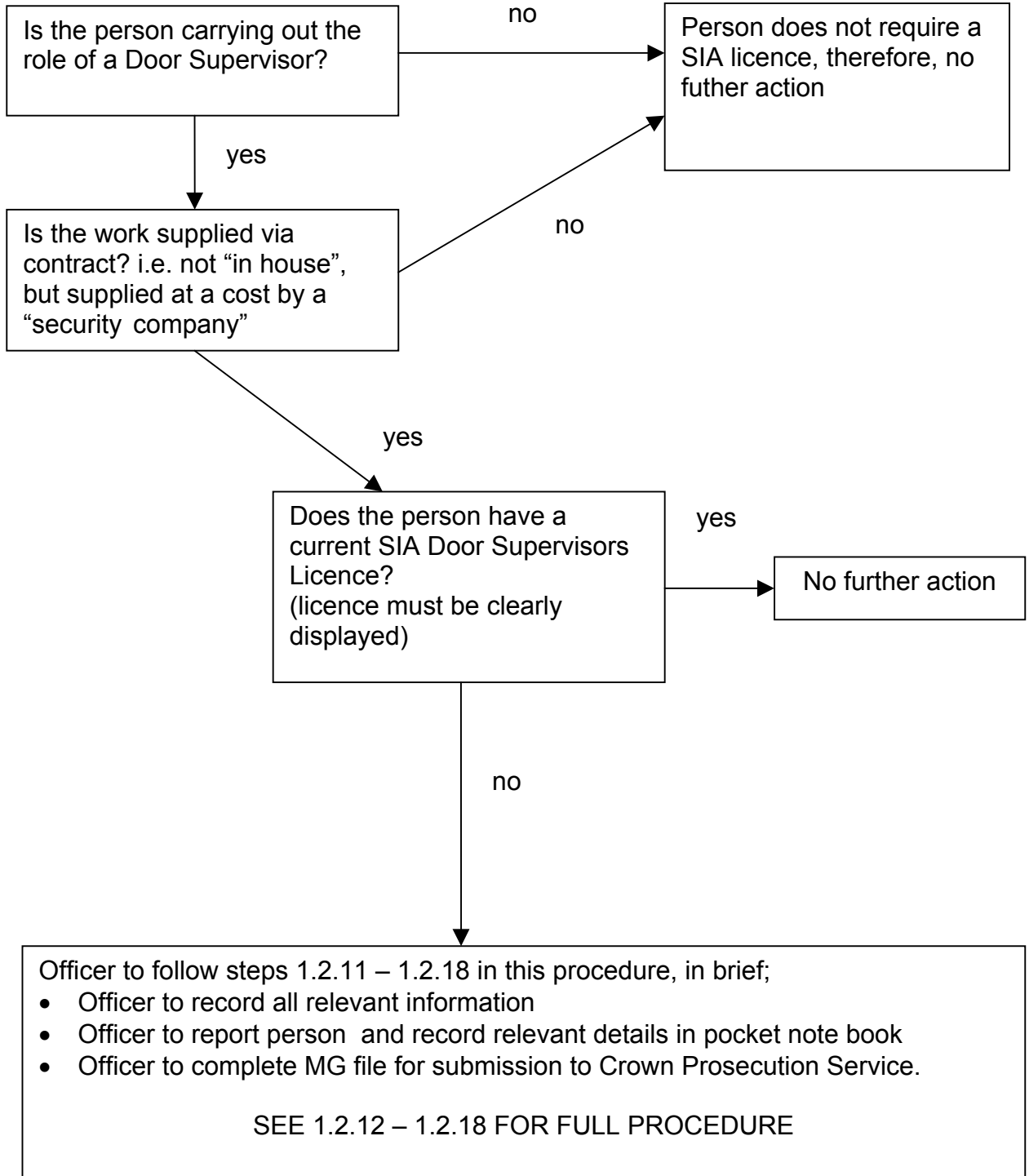
The procedure is directly linked to the Force Policy on the Security Industry Authority. Officers will, where it appears that an offence is being committed (ie a person is working as a door supervisor and not wearing an SIA licence), report the offender and obtain sufficient details from the “offender” to enable the Crown Prosecution Service to prosecute. Officers must be aware that the Supervisor or Manager of an Unlicensed Door Supervisor could be committing an offence under Section 3 of the PSIA 2001 (non-frontline licence). There is also an offence under Section 5 of the PSIA 2001. This will be committed by those persons who provide Security Industry Services, (including Door Supervisors) to another, and that person’s activities in connection with the provision of those services involve the engagement of unlicensed staff (subject to the statutory defences). Officers can refer to The National Legal Database (ref H4510, and D9376) for guidance, which is available under “Applications” on the Force Intranet.

Where offences are suspected officers should consider reporting the offender whether Supervisor/Manager/Employer/Provider of Services as well as the Door Supervisor. **Please see section 1.2 for the detailed procedure.**

NOT PROTECTIVELY MARKED

[http://intranet/operational/cfpp/corporate\\_services/Policy/S - Policies/515-3b issue 2 s.i.a \(door supervisor\) procedure.doc](http://intranet/operational/cfpp/corporate_services/Policy/S - Policies/515-3b issue 2 s.i.a (door supervisor) procedure.doc)

Procedure - Security Industry Authority (Door Supervisors)



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## 1.0 Guidance, Procedures, Tactics

### 1.1 Risk Assessments and Health and Safety Considerations

Interaction between the Police and Door Supervisors could involve potentially a wide range of issues. Therefore officers and police staff are required to consider making the appropriate risk assessment when dealing with particular incidents.

All Police staff should apply the Gwent Police Service Dynamic Assessment in any dealings that they have with Door Supervisors. A training package in the use of this generic risk assessment will be provided to all police staff.

### 1.2 Specific Instructions, tactics, methods, practices and procedures

#### PROCEDURE

#### 1.2.1 About this Procedure

1.2.2 This procedure explains the processes by which Gwent Police will deal with persons licensed by the Security Industry Authority (SIA), working as **Door Supervisors. Officers must be aware that only Door Supervisor services supplied by contract i.e. not “in house”, but supplied at a cost by a “security company” need to be licensed by the SIA.**

1.2.3 The procedure is directly linked to the Force Policy on the Security Industry Authority.

#### 1.2.4 Procedure

1.2.5 This procedure is being implemented as a result of the Private Industry Security Act (PSIA) 2001 and is in keeping with the Crime and Disorder Act 1998, A statutory body has been created which issues licences on behalf of the Government, the Security Industry Authority (SIA).

- The PSIA creates a number of offences. The most relevant offences for current consideration by police officers are:-
  - ▶ Engaging in licensable conduct without a licence. S3(1) – PNLD Ref No. H4510
  - ▶ Employing unlicensed persons in licensable conduct. S5(1) – PNLD Ref No. D9376

***Further guidance in relation to these and other offences can be found on GO 39/04, The National Legal database (PLND), and at [www.the-sia.org.uk](http://www.the-sia.org.uk)***

## Enforcement

- 1.2.6 Wales is in the third roll out of this legislation.
- 1.2.7 A commencement order has prescribed 27th September 2004 as the commencement date for the enforcement of offences relating to the licensing of door supervisors.
- 1.2.8 This must be contrasted with the fact that other sectors of the PSI will have different commencement dates for enforcement.
- 1.2.9 Officers must focus on persons acting as Door Supervisors, who must be licensed by the SIA.
- 1.2.10 The SIA maintains a public register of persons licensed by the authority. This can be accessed at anytime via the internet on [www.the-sia.org.uk/home/licensing/register/rolh.htm](http://www.the-sia.org.uk/home/licensing/register/rolh.htm). Officers should not make direct telephone calls to the SIA requesting information. **Officers must use the "Request for Information" form (Appendix F) of The ACPO Memorandum of Understanding. (Copy attached under Appendix A) This is also available on the Force Intranet under Protocols – [www.http://intranet/support/is/pisa/az/stu.asp](http://www.http://intranet/support/is/pisa/az/stu.asp) This form must be authorised by an Inspector or above. The completed form must be sent by faxed to; The SIA, FAO "INTELLIGENCE". Fax number 02072 273601 using Gwent Police Fax Front paper.**
- 1.2.11 Officers must report offenders where it appears that an offence is being committed (ie a person is working as a door supervisor and not wearing an SIA licence). Sufficient details must be taken to enable the Crown Prosecution Service to prosecute the offender. These details are;
- Time, date and location of offence.
  - Evidence of the commission of an offence under the Act.
  - Name, date of birth, occupation and home address of offender.
  - Time, date and the name and address of the premises at which above person is working.
  - Name date of birth and home address of employer/licensee.
- 1.2.12 The officer must report the offender and complete a pocket notebook entry recording the relevant details and any replies/comments made in accordance with the Police and Criminal Evidence Act.
- 1.2.13 The officer must complete the appropriate process register.

- 1.2.14 Officers must be aware that the Supervisor or Manager of an unlicensed Door Supervisor could be committing an offence under Section 3 of the PSIA 2001 (non-frontline licence). There is also an offence under Section 5 of the PSIA 2001. This will be committed by those persons who provide Security Industry Services, (including Door Supervisors) to another, and that person's activities in connection with the provision of those services involve the engagement of unlicensed staff (subject to the statutory defences). Officers must refer to The National Legal Database (ref H4510, and D9376) for guidance, which is available under "Applications" on the Force Intranet. Where offences are suspected officers should consider reporting the offender whether Supervisor/Manager/Employer/Provider of Services as well as the Door Supervisor.
- 1.2.15 The offence of "Employing Unlicensed persons in licensable conduct S5(1)" carries a power of arrest. However, Officers must use their discretion, consider the Human Rights issues, the immediate circumstances, and the likely impact on public order, before exercising the power of arrest.
- 1.2.16 The Officer must use the "Request for Information" form (Appendix F) of The ACPO Memorandum of Understanding. (Copy attached under Appendix A) This is also available on the Force Intranet under Protocols – [www.http://intranet/support/is/pisa/az/stu.asp](http://intranet/support/is/pisa/az/stu.asp) This form must be authorised by an Inspector or above. The completed form must be sent by faxed to; The SIA, FAO "INTELLIGENCE". Fax number 02072 273601 using Gwent Police Fax Front paper. The SIA will provide the Officer with a statement for inclusion in the process file recording whether the offender has an SIA Licence.
- 1.2.17 The officer must complete an MG file for submission to the Crown Prosecution Service via The Criminal Justice Department in the normal manner.
- 1.2.18 Door Supervisors arrested for other offences, i.e. public order, assault etc., must also be charged with the offence of 'Engaging in Licensable Conduct without a Licence'. Section 3(1) PSIA2001 where there is evidence to support this charge.
- 1.2.19 Companies who engage in "large-scale" non compliance with the act will be prosecuted by the SIA who will employ private solicitors to prosecute.
- 1.2.20 Licensees may decide not to employ door supervisors at their premises following the introduction of this legislation (there is no provision to insist on such staff as a condition of a public entertainment licence until the

introduction of the new licensing act in November 2005). Should this occur, and incidents of disorder arise at the premises, then officers should consider using their powers to close the premises using Closure Orders (Disorderly / Noisy\_Premises) under S 17 Criminal Justice and Police Act 2001 and Section 179A of the Licensing Act 1964, as amended by Section 161 Of The Licensing Act 2003. This gives officers powers to close licensed premises under certain circumstances.

This procedure is explained in the Force Licensing Procedure section 6.2.8, available on the force intranet under Policies.

### **Individual Roles and Responsibilities**

1.2.21 This procedure will impact on the work of all officers and police staff that have an interaction with the public.

### **Administration**

1.2.22 The SIA must provide a statement which proves whether an offender has a relevant Licence.

## **2.0 Procedure Statement & Intentions**

### **2.1 Principle & Scope:**

The principle of this procedure is to positively support the government aim of improving standards within the Private Security Industry (PSI) in partnership with other agencies.

The scope of this procedure is to detail the approach to be adopted by Gwent Police to the regulation of the Private Security Industry (Door Supervisors only) and will be of specific interest to all Police Officers including Crime Prevention Officers, Crime and Disorder Reduction Officers, and Licensing Officers.

[This procedure relates only to Door Supervisors within the Private Security Industry, and no other sectors of the industry.](#)

### **2.2 Aims of Procedure**

The aim of this procedure is to provide detailed instructions on how the Force will deliver its Procedure on the Security Industry Authority (Door Supervisors) as outlined in section 1.2.

## 3.0 Introduction

### 3.1 Origins/Background Information

The PSI has suffered for a number of years owing to the actions of a minority of operators which have served to damage the reputation and image of the industry.

The Private Security Industry Act 2001 was largely brought about to secure improvements in standards within the industry and give greater protection to the public. Door Supervisors are the first sector to be Licensed in Wales.

### 3.2 Motivators/Driving Forces

Central to the Governments plans for the PSI, is to improve the industry's image so that the general public and the wider business world have a much clearer understanding of how the industry is regulated and who is entitled to work. Also there is the intention to make the industry more attractive with better training opportunities with the aim of ensuring that the public are protected and that operators conform to appropriate standards.

The Security Industry Authority (SIA) has been formed to ensure that Government plans are implemented. A key role for the SIA involves the managing and issuing of licences for people working in particular sectors of the PSI. Also the creation and maintenance of a public register of persons licensed to work in the industry. Another crucial area for the future is developing an Approved Contractor Scheme, creating a public register of approved security firms in its publicly recognised national scheme for security businesses.

Individuals working within the PSI, such as door supervisors etc, will become more accountable for their actions.

The Criminal Record Bureau check and other measures will ensure that only suitable persons work within the industry.

The public will be safer and have greater confidence in the industry.

### **3.3 The Legal Basis and Legitimate Aims**

Private Security Industry Act 2001

(To help protect society by collaboratively developing and achieving high standards in the private security industry).

The Data Protection Act 1998 (Information Sharing) Sections – 29(3)a, 29(3)b (prevention and detection of crime and the apprehension of offenders).

35(1) - Disclosure under any enactment (Security Industry Act 2001 S1(2),(5) and (6)).

### **3.4 Definitions**

Information of roles requiring licensing under the Security Industry Act can be obtained from [www.the-sia.org.uk/licences](http://www.the-sia.org.uk/licences)

## **4.0 Implications of the Procedure**

### **4.1 Financial Implications/Best Value**

Financial implications reporting and prosecution of offenders.

(This will be limited as there are estimated to be only 240 Door Supervisors working in Gwent)

### **4.2 Human Resources/Training**

Training has been delivered on the SIA and the Private Security Industry Act 2001 by the Training Department.

### **4.3 Strategic Plan Links**

Contributing to delivering justice in a way which secures and maintains public confidence. Reducing Crime and the Fear of Crime.

#### **4.4 Partnership Links**

Local Authorities, The Security Industry Authority.

#### **4.5 Diversity**

In the application of this procedure consideration must be given to the possible social impact of this procedure on the community. A social impact assessment is a requirement to ensure all issues are considered. This is also a requirement of the Gwent Police Race Equality Scheme. Social impact assessments must be undertaken before and after the application of this procedure.

Under the Race Relations (Amendment) Act 2000 Gwent Police is required to undertake proactive work to meet the General Duty of :

- Eliminating unlawful racial discrimination;
- Promoting equality of opportunity;
- Promoting good relations between people of different ethnic groups.

The General Duty is outlined in Section 71 (1) of the Act, and must be met **in its entirety**.

Monitoring must be undertaken to ensure that there is no adverse impact either positive or negative upon any one particular social group or individual. The results of monitoring must be analysed and be available for publication, and appropriate changes made.

All individuals using this procedure must be aware of the potential impact that this procedure has on the individuals to whom it is applied. The following strands of diversity and their corresponding pieces of legislation must be considered when answering these questions.

- Welsh Language Act 1993
- Race – Race Relations Act 1976
- Race Relations Amendment Act 2000
- Disability - Disability Discrimination Act 1995
- Gender – Sexual Discrimination and Equal Pay Act 1971
- Age – Article 13 Treaty of Amsterdam (2006)
- Sexual Orientation – Article 13 Treaty of Amsterdam (2003)
- Religion – Article 13 Treaty of Amsterdam (2004)
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Age) Regulations 2006

#### **4.6 Links to Other Policies/Procedures**

Data Protection Procedure, Information Security Procedure, Freedom of Information, [ACPO Memorandum of Understanding](#).

#### **4.7 Consultation**

Police Authority  
ACPO  
Divisional and Departmental Heads  
UNISON  
Police Federation  
Superintendents Association  
Gay Police Network  
Force Solicitor  
Freedom of Information Officer  
Gwent Police Women's Association  
Gwent Black Police Association  
Gwent Disability Network  
Force Licensing Group  
The Security Industry Authority  
Local Authorities in Gwent

## 5.0 Human Rights Consideration Certification

### 5.1 Auditing for potential interference and discrimination

Q1. What articles of the Human Rights Act 1998 may be engaged?

Article 2 right to life

Article 3 right not to be subject to inhuman or degrading treatment

Article 6 right to a fair trial

Article 8 respect for family life

Article 9 right to freedom of thought, conscience or religion

Article 10 right to freedom of expression

Article 11 right to freedom of association and assembly

Article 14 right not to be discriminated against.

Q2. Where individual rights are engaged what is the potential to discriminate

" In the application of this procedure the Force will not discriminate against any persons regardless of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status as defined under article 14 of the European Convention on Human Rights ".

### 5.2 Key Human Rights Principles

Q1. What is the legal basis for your procedure?

Private Industry Security Act (PSIA) 2001 and is in keeping with the Crime and Disorder Act 1998.

Q2. Does the procedure provide details of what could be considered as a legitimate aim for the potential interference with an individual's rights, through the exercising of this procedure? Restrictions on the rights protected in articles 8 - 11 in the Human Rights Act will be compatible with the convention only if they are aimed at protecting one of the interests listed in articles 8(2), 9(2), 10(2) and 11(2) respectively. The interest protected are broadly the same and generally include:

1. National Security
2. Public Safety
3. The protection of health or morals
4. The prevention of disorder or crime; and
5. The protection of the rights of others.

**Any restrictions relating to human rights will be in accordance with the above principles.**

### **5.3 Rights, Publication, Audit and Inspection**

Q1. What rights to make representation and appeal process are available?

Persons who wish to make representations regarding the operation of this procedure will have recourse to both civil and criminal law. There is also the right to use both formal, informal and organisational complaints procedures in respect to the operation of this procedure.

Q2. Apart from the Gwent Police Publication Scheme how is the procedure made available to the public?

The procedure is disclosable to the public.

Where copies of this procedure are requested they can be made available from the Community Safety Department.

Q3. What internal review and audit process is in place or is proposed?

This procedure has been drafted in accordance with the principles and rights contained within the Human Rights Act 1998. It will be reviewed and continuously assessed in the light of any relevant changes and developments in the application of the Act.

Q4. What external independent scrutiny is recommended?

Independent scrutiny can be where required conducted by Her Majesty's Inspector of Constabulary.

### **5.4 Certification of Compliance**

Consideration has been given to the compatibility of this procedure and related policies and procedures with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making processes and outcomes of actions.

## **5.5 Legal Vetting**

**There are no issues in this procedure under ECHR which cannot be resolved.**

**This procedure has been vetted.**

## **6.0 Promotion and Distribution**

This Procedure will be promulgated via the following methods:

1. G.O Entry
2. Force intranet Policies and Procedures site
3. Distribution to Custody Staff

## **7.0 Monitoring / Review**

### **Monitoring**

Operational Managers and Supervisors will be responsible for ensuring compliance with this procedure.

The principles of the Race Relations Amendment Act must be adhered to in that any recognisable adverse impact should be identified and appropriate action taken.

## 8.0 Procedure Identification Page

**Procedure Title:** Security Industry Authority (Door Supervisors)

**Reference:** 515/3 b issue 1

**Underlying Documents:** The Security Industry Authority [www.the-sia.org.uk](http://www.the-sia.org.uk),

**Procedure Ownership:** Citizen Focus and Partnership Policing

**Portfolio/Business :** ACPO Operations

**Procedure Written By:** Sergeant Community Safety

**Department Responsible:** Community Safety

**Procedure Lead:** Head of Community Safety

**Links to other Policies:** Gwent Police Policy - Security Industry Authority, Licensing Procedure, Data Protection Act Procedure, **ACPO Memorandum of Understanding**

**Procedure Implementation Date:** 21<sup>st</sup> November 2005 Operations Policy Group. Reviewed OPG 17<sup>th</sup> April 07  
**Procedure Review Date:** April 09

## APPENDIX A

### REQUEST FOR INFORMATION FROM THE SECURITY INDUSTRY AUTHORITY

<b>Protective Marking</b>	<b>Restricted</b>	
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Please complete ALL relevant boxes. Failure to do so may result in a delay in the processing of this form.

More information on how to complete this document is available in a document titled 'Completion of the Request for Information'..

<b>(1) From:</b>	<input type="checkbox"/> Police	<input type="checkbox"/> Local Authority	<input type="checkbox"/> Other (please state )
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<b>(2) Please tick box if the information requested is required as a witness statement</b> <input type="checkbox"/>
<b>Date Witness Statement required (if known):</b>
<b>Please provide details of which section of the Private Security Industry Act 2001 that the offence has been committed.</b>

<b>(3) Name:</b>		<b>Tel no:</b>	
<b>Organisation:</b>		<b>Fax No:</b>	
<b>Position:</b>		<b>Rank:</b>	
<b>Address:</b>		<b>Email:</b>	

<b>(4) Person about whom information is sought:</b>	
<b>Full name:</b>	
<b>Full address:</b>	
<b>Date of birth:</b>	
<b>SIA Application/Licence No (if known):</b>	
<b>Other relevant information e.g : workplace/employer</b>	

<b>(5) Nature of Enquiry:</b>	<b>State details of the proceedings to which the request relates</b>
<b>(6) Information Required:</b>	
<b>(7) Please state the statutory provision under which this request for disclosure is made:</b>	
<b>(8) It is my view that disclosure of the requested information is necessary and compatible with this provision because:</b>	
<b>(9) Have you established that you cannot obtain the information by other means or from other sources?</b>	
	YES <input type="checkbox"/> NO <input type="checkbox"/>
<b>(10) Have you checked the Register of Licence Holders on the SIA Website for the information you require?</b>	
	YES <input type="checkbox"/> NO <input type="checkbox"/>
Register of licence holders can be found at: <a href="http://www.the-sia.org.uk/home/licensing/register/rolh.htm">http://www.the-sia.org.uk/home/licensing/register/rolh.htm</a>	

**(11) Authorising Officer details: MUST BE RANK OF INSPECTOR OR ABOVE**

Upon receipt of the disclosed information, you must ensure that you will securely process the information in accordance with the Data Protection Act 1998. Please tick to state that you have read and agree to the above statement.

Name (print)	Job Title/Rank
Location (eg police station/borough)	Signature: (emailed returns need not be signed)
	Date

**(12) This form **MUST** be returned by fax USING GWENT POLICE FAX FRONT SHEET to:**

The SIA  
Fax number 0207 227 3691

**Please allow 7 working days for return of this form, or 3 weeks for witness statement delivery.**

**Failure to complete this form correctly may delay the return of this information to you.**

**(13) Reply box:**

**(FOR SIA USE ONLY)**

**If there are charges (or Bail, or both) relating to any serious offence we will need to review the individual's suitability to hold an SIA licence. Please inform us should this be the case.**

**This is the latest status as at .**

**(14) Please use this space to provide any further information which would be of use to the agency** **(FOR SIA USE ONLY)**

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**(15) Authorised for Disclosure:** **(FOR SIA USE ONLY)**

<b>Name:</b>	<b>Position held:</b>
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<b>Signature:</b> <b>(emailed returns need not be signed)</b>
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<b>Location:</b>	<b>Date:</b>
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<b>Protective Marking</b>	<b>RESTRICTED</b>
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