

GWENT POLICE POLICY

SECURITY INDUSTRY AUTHORITY



Heddlu
Gwent
Police

SUMMARY

This is the second issue of this policy which has been amended to make provision for an updated Security Industry Authority procedure and a separate procedure for Door Supervisors, both of which can be found on the Front Page of the Intranet under the heading policies. The main change which has occurred is that the Crown Prosecution Service will now prosecute Door Supervisor Offences on behalf of the Police. This means that officers will now report such offences by way of the standard process for file submission.

The SIA will provide evidence of licensing of individuals as outlined in Appendix A of the Door Supervisors Procedure.

A separate procedure headed Security Industry Authority exists in relation to all other licensable sectors of the Private Security Industry, whereby the SIA carry out prosecutions in contrast to the Crown Prosecution Service. ***The exception would be where there are clearly defined links to serious criminality, public safety, or public order offences. In these cases Gwent Police will consider prosecution via the Crown Prosecution Service.***

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1.0 Policy Identification Page

This policy can be disclosed to the public.

Policy Title: Security Industry Authority

Reference: 515/2 a Issue 2

Underlying Documents: The Security Industry Authority www.the-sia.org.uk, Hampshire Policy.

Protective marking: Not protectively marked

Policy Ownership: Citizen Focus and Partnerships

Portfolio/Business Area Owner: ACPO Operations

Policy Written By: Community Safety Officer

Department Responsible: Community Safety

Policy Lead: Head of Community Safety

Links to other Policies: Licensing Policy, Data Protection Policy, Freedom of Information Policy

**Policy Implementation Date: Issue 1 Authorised STCG 23rd November 2004
Issue 2 Reviewed and agreed by Policy Operations Group 21st November 2005, issue 3 reviewed OPG 17th April 07.**

Policy Review Date: April 09

2.0 Policy Statement & Intentions

2.1 Principle & Scope of Policy:

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

This policy outlines the approach adopted by Gwent Police to the regulation of the Private Security Industry and will be of specific interest to Police Officers and Police Staff, Crime Prevention Officers, and Licensing Officers.

This regulation will be achieved by the implementation of two separate Force Procedures in relation to the PSI, these relate to;

1. Door Supervisors
2. The remaining licensable sectors of the PSI (see www.the-sia.org.uk, for licensable sectors of the PSI, and their "live" date).

Nothing in this policy will detract from Gwent Police's aims in relation to Best Value, Equal Opportunities and Human Rights.

2.2 Aims of Policy

The aim of this policy is to work with our statutory partners, and the Security Industry Authority (SIA) to deliver enhanced regulation of the Private Security Industry (PSI), which will be achieved, primarily through licensing.

3.0 Introduction

3.1 Origins/Background Information

The Private Security Industry has suffered for a number of years owing to the actions of a minority of unscrupulous operators who 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 to give greater protection to the public.

3.2 Motivators/Driving Forces

Central to the Governments plans for the Private Security Industry 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. The SIA will also create and maintain a public register of persons licensed to work within these sectors. 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 supervisor's etc, will become more accountable for their actions.

The Criminal Record Bureau check, and other measures introduced by the SIA 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).

3.4 Definitions

Definitions of the roles of individuals requiring licensing under the Security Industry Act can be obtained from www.the-sia.org.uk/licences.

4.0 Implications of the Policy

4.1 Financial Implications/Best Value

There should be no additional financial implications.

4.2 Human Resources/Training

Training Department has delivered awareness training on the Private Security Industry Act 2001, and the Security Industry Authority (SIA).

4.3 Annual Plan Links

Contributing to justice in a way which secures and maintains public confidence in the rule of law. 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 policy consideration must be given to the possible social impact of this policy 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 policy.

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 Policy/Procedures

Gwent Police Procedure on the Security Industry Authority, Licensing Policy, Data Protection Policy, Information Security Policy,

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 policy?

Private Industry Security Act (PSIA) 2001 and is in keeping with the Crime and Disorder Act 1998. Also the Data Protection Act 1998 (information exchange).

Q2. Does the policy 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 policy? 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 policy 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 policy.

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

This policy can be disclosed to the public.
Where copies of this policy 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 policy 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 the Police Authority and Her Majesty's Inspector of Constabulary.

5.4 Certification of Compliance

Consideration has been given to the compatibility of this policy 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 policy under ECHR which cannot be resolved.

This policy has been vetted.

6.0 Promotion and Distribution

This policy will be promoted by Force General Orders, inclusion on the Force intranet policies and procedures web site and on the force internet site through the publication scheme.

Promotional Strategy - Posters will be displayed for internal staff in all large police stations raising awareness of the Security Industry Act 2001, the SIA, and the force nominated liaison officer.

7.0 Monitoring / Review

Monitoring

The monitoring of the aims of this policy will be the responsibility of the Community Safety Department

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.

The policy can be reviewed every year or as otherwise determined.