EXPLANATORY MEMORANDUM TO

THE PRIVATE SECURITY INDUSTRY ACT 2001 (DESIGNATED ACTIVITIES) (REVOCATION) ORDER 2005

2005 No.361

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 Paragraph 3 of Schedule 2 to the Private Security Industry Act 2001, as amended by the Private Security Industry Act 2001 (Amendments to Schedule 2) Order 2005, provides that the immobilisation of vehicles (wheel clamping), when it is proposed to charge a fee for the release of the vehicle, constitutes a licensable activity. Paragraph 3A of Schedule 2 to the 2001 Act, as inserted by the 2005 Order, provides that the towing away and blocking in of vehicles, where it is proposed to charge a fee for the release of the vehicle, constitutes a licensable activity.

2.2 The Private Security Industry Act 2001 (Designated Activities) Order 2005 laid before Parliament on Wednesday 9 February 2005 designated those activities of a security operative engaged in the immobilisation, towing away and blocking in of vehicles. By virtue of the fact that section 3(1) and 3(2)(a) to (i) of the 2001 Act were already in force in certain police areas across England and Wales, this Order would have had the effect of making it an offence to engage in such activities except under and in accordance with a licence from the Security Industry Authority ("the SIA"). This Order was to come into force on 28 February 2005.

2.3 Within the last fortnight, it has been discovered by the SIA that a significant failure by both training providers and the certified awarding body responsible for the training of vehicle immobilisers has left a large number of individuals unable to apply for the necessary licence through no fault of their own.

2.4 To ensure that this failure is addressed, and to allow sufficient time for those individuals who have undertaken training, but have so far been unable to complete their applications, a delay in the compliance date is required. This delay will ensure that individuals and companies are not criminalised by operating without the appropriate licence.

2.5 Because section 3(1) and (2) of the 2001 Act (conduct prohibited without a licence) have already been commenced in various police areas in England and Wales, postponement of the commencement date in respect of immobilisation and the blocking in and towing away of vehicles requires that the designation of these activities under section 3(3) is postponed accordingly. For this reason we are revoking the Private Security Industry Act 2001 (Designated Activities) Order 2005 before it comes into force.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 It is regretted that this problem with vehicle immobiliser training providers was not, despite assurances being sought from those providers by the SIA in January 2005, discovered until after the Private Security Industry Act 2001 (Designated Activities) Order 2005 was laid on 9 February. On receiving letters of complaint from 4 February, the SIA immediately began an investigation. The Home Office was completely unaware of this issue until we were notified in the evening of 10 February.

4. Legislative Background

4.1 The Private Security Industry Act 2001 received Royal Assent on 11 May 2001. The Act included powers for the creation of the SIA as the regulator of the private security industry.

4.2 The sectors within the private security industry that will be subject to regulation by the SIA are door supervisors, vehicle immobilisers, manned guards, keyholders, security consultants and private investigators.

4.3 The SIA commenced the regulation of door supervisors on a geographical basis from 1 March 2004, and this will have been completed by 11 April 2005. The requirement to hold an SIA licence to undertake vehicle immobiliser activities was originally expected to commence across England and Wales on 28 February 2005, but is now delayed until May/June 2005.

5. Extent

5.1 This instrument applies to England and Wales

5.2 Although it is expected that the remit of the SIA will be extended to cover Scotland at some time in the future by provisions currently before Parliament in the Serious Organised Crime and Police Bill, wheel clamping is considered to be extortion in Scotland, and as such is illegal and will fall outside the remit of the SIA.

6. European Convention on Human Rights

6.1 Not applicable.

7. Policy background

7.1 The Private Security Industry Act 2001 was brought in to regulate the private security industry in England and Wales. The industry has grown substantially in recent years and its work has changed from a largely passive role into one with far greater and more active contact with the public. Previously there had been little or no self-regulation and standards across all sectors of the industry varied widely. The Act was passed to protect and reassure the public by preventing unsuitable people getting into positions of trust, and to raise standards generally in the industry.

7.2 One of the sectors within the Act of particular public interest is that of vehicle immobilisers (wheel clampers). Wheel clamping on private land is legal in England and Wales within certain limits, and can be an effective way of controlling unwanted parking. Clamping a vehicle is not a criminal offence, nor is charging the vehicle

owner a release fee, if the owner of the land gives permission. The activities of towing away and blocking in of vehicles were added to the list of licensable activities to ensure that persons could not avoid the requirement to have a licence by undertaking these activities rather than wheel clamping.

7.3 The vehicle immobiliser sector is a very small element of the private security industry, but one that attracts a high level of public concern. A recognised national licensing system will assist public services such as the police in their dealings with such companies and individuals. The enhanced levels of professionalism and accountability required of a licensee should actually reduce the incidents of confrontation between vehicle immobilisers and so reduce police involvement, in all but cases where un-licensed operatives are identified.

8. Impact

8.1 A Regulatory Impact Assessment is attached to this memorandum.

8.2 The impact on the public sector is not considered to exceed the Public Service Threshold Test.

9. Contact

Nick Smith at the Home Office Tel: [0207 035 5118 or e-mail: nick.smith@homeoffice.gsi.gov.uk] can answer any queries regarding this Order.

FULL REGULATORY IMPACT ASSESSMENT

January 2004

REGULATIONS TO IMPLEMENT
THE PRIVATE SECURITY INDUSTRY ACT 2001
IN RESPECT OF DOOR SUPERVISORS AND VEHICLE IMMOBILISERS

Criminal Records and Security Industry Unit
Home Office
85 Buckingham Gate
London
SW1E 6PD

Tel. No. 020 7411 5502

Fax No. 020 7411 5596

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Background

1. The Private Security Industry Act 2001, hereafter referred to as "the Act", provided for the regulation of a number of sectors in the private security industry. The Act provides a framework of controls, including the licensing of all individuals engaging in licensable activity, in six industry sectors: door supervisors, vehicle immobilisers (wheel clampers), security guards, key holders, security consultants and private investigators. The Act also provides for the establishment of the Security Industry Authority (SIA), as a non-departmental public body, to be the regulating authority.

2. The Act was preceded by a White Paper (CM4254) which included an Initial Regulatory Impact Assessment (RIA) at Appendix 1. That RIA looked only at the high level risks, costs and benefits of regulation *per se* and considered the option of regulating only the security guarding sector. The White Paper recognised that there was registration of door supervisors by some local authorities, but noted that such schemes were inconsistent in nature, partial in national coverage and subject to variable fee levels. Benefits of different options were measured against the Government's aim of reducing crime in the industry and fear of crime among the public. Compliance costs were roughly estimated. Consultation with the industry, including small business, indicated that the proposals for regulation were welcomed.

3. The Act does not prescribe in detail the form the licensing scheme will take. Since the passage of the Act, a Home Office implementation team has been developing plans for regulation and the issue of licences. In doing so it has consulted with a wide group of stakeholders. On 1 April 2002 a Chairman and Chief Executive were appointed by the Home Secretary to lead the Authority. On 1 April 2003 the Security Industry Authority was formally established as an independent body. More detailed proposals are now available on the form of the licensing scheme, including the likely cost of a licence, the criteria for granting or refusing licences, the application process and the order in which different industry sectors will be designated for regulation under the Act.

4. The first sectors to be licensed will be door supervisors and vehicle immobilisers. These are the two industry sectors that have given rise to the most public and Ministerial concern about criminality and low standards of professionalism. It has also become evident, through public correspondence, that there is a case for extending the definition of vehicle immobilisers on private land charging a release fee to include those who tow away vehicles, or in other ways prevent an owner from using his car pending the payment of a fee, for example by blocking the vehicle in. It is proposed to extend the scope of the regulations under the Act to include such activities.

5. Within these two industry sectors regulation will be introduced progressively, over a period of a year, on a region by region basis. It is proposed to extend licensing throughout England and Wales by means of a progressive geographical rollout. This will consist of 8 regions over the course of 7 months. The 8 geographical regions are based on seven virtual groupings of police regions with the South East being split further into South East and London to result in a total of 8 regions. The

regions are: North West, North East, Wales, Midlands, East, South West, South East, London. The full programme will be preceded by a pilot roll-out covering the Hampshire police area.

Objective

6. The proposed regulations will require all those who provide door supervision services or vehicle immobilisation services on private land against a release fee to hold a licence from the SIA. Issue of a licence will be dependent on checks on an applicant's criminal record and competence to do the job. It will be a criminal offence to engage in licensable conduct without a valid licence. Employers, managers and directors who employ unlicensed operatives will also commit a criminal offence.

7. The proposed licensing scheme aims:
   - To remove from the private security industry those who seek to use their position to pursue criminal activities
   - To raise standards of competence and professionalism in the industry
   - To increase public confidence in the industry
   - To provide recognition for companies and individuals who do operate to high standards and who have invested in training and selective recruitment

Risk Assessment

8. The initial RIA referred to evidence of the employment of criminals in the private security industry leading to a risk of offences being committed, either directly or by improper use of inside knowledge gained through employment in positions of trust. The enactment of the Private Security Industry Act 2001 reflected Parliament's view that such a risk was sufficient to justify a compulsory licensing scheme administered by the Security Industry Authority. Further evidence of criminality emerged from the Home Office Research Study 265 "Reducing alcohol-related violence and disorder: an evaluation of the 'TASC' project" (2003), which reported that in the 30 month period of monitoring sixty-one door supervisors were arrested and door supervisors were involved as victims or alleged assailants in 16 per cent of all violent incidents. When crime statistics are collected there is no record of the profession or job held by the party committing the criminal activity, and no relevant studies have been done about the alleged criminal activities of individuals in the vehicle immobilisation or door supervisor industries, however anecdotal evidence is widespread. During the months of March to June 2003 there were 15 articles in the national and regional press concerning criminal activity by door supervisors (ranging from murder convictions to drug dealing) and 11 articles about unscrupulous wheel clamping companies. In addition Home Office Ministers receive many letters of concern from Members of Parliament and members of the public.

9. At the current stage of the development of the licensing scheme, the risks are:
   - the scheme may not be sufficiently rigorous to exclude from the industry those whose criminal record or low professional standards make them unsuitable to work there, or
   - the scheme may be too onerous on businesses who do seek to reach the required standards, to the extent that the market for providing the services in question is severely damaged.

Options

10. The Initial Regulatory Impact Assessment considered the option of doing nothing about the employment of criminals in the private security industry. It did not explicitly examine the option of encouraging self-regulation, but in fact this was already a feature of the status quo, and thus fell within the option of doing nothing. Response to the White Paper was strongly supportive of legislation to provide national, consistent regulation of the industry. Extensive discussion during the passage of the legislation through Parliament dismissed the options of doing nothing or relying on self-regulation. The Act expressly charges the Secretary of State with establishing the Security Industry Authority and making regulations for the licensing of individuals in the private security industry. This RIA does not, therefore, re-examine the options of doing nothing or self-regulation.

11. This Partial RIA looks at the options for the content of regulations and the sub-regulatory framework of SIA licensing for door supervisors and vehicle immobilisers. The principal variables in preparing for regulation are the criteria for the granting of licences. Section 7 of the Act provides for the SIA to set criteria under three headings:
    - To determine whether applicants are fit and proper persons to undertake the roles of door supervisors and immobilisers;
    - To determine whether applicants have the training and skills necessary to engage in those roles; and
    - Any other criteria which the Authority thinks fit

    The SIA proposes at this stage to set criteria in relation to the test for fit and proper persons and to necessary competencies and to set a minimum licensing age of 18.

12. It is difficult to identify three specific alternative levels of requirements for granting licences. The aim is to design a set of criteria which successfully addresses the risks identified in paragraph 9 above; i.e. that are sufficiently rigorous to make a real difference to levels of crime and fear of crime and also to establish appropriate standards of probity, but that are not so onerous that the industry cannot function. This RIA looks in broad terms at the effect on the impact on the public and on businesses of three options.

    - <u>Option 1: Apply a very low criminality threshold and make no competency requirements</u>
      The criminality threshold could be achieved by refusing licences only to those applicants who have serious offences on their record. "Serious" would be defined as (1) serious arrestable offences appearing on the face of the Police and Criminal Evidence Act 1984 (eg murder, rape, possessing a firearm with criminal intent); and (2) other offences which the SIA considered to be particularly serious in relation to door supervisor or vehicle immobilising activities. This might result in 10 – 11.5% of licence applicants failing the criterion (assuming that everyone currently performing door supervisor or vehicle immobilising activities applied, and that the criminal statistics for the general population as a whole are directly applicable to the two industry sectors).

    - <u>Option 2: Refuse a licence to anyone with any criminal record other than for minor offences</u>.
      This option would exclude from licensing all those excluded under option 1 plus all those with other criminal offences on their record other than those of the most trivial nature – i.e. those offences which are triable only summarily and for which only non custodial

sentences are available (eg minor motoring offences, causing a nuisance). This might result in 25% of licence applicants failing the criterion (with the same assumptions applying as for option 1).

- Option 3: Establish a set of criteria which seek to balance the need to make a real difference to criminality and professional standards in the industry, with the need to allow *bona fide* businesses to continue to be viable.
  This option would take into account a wider range of factors than simply the offences on the criminal record, including the intrinsic seriousness of the offence, the length of time elapsed since the last offence and, in some borderline decisions, the nature of the sentence imposed by the courts. This option has the benefit of being able to balance rigour with rehabilitation, since it would offset the criminal record itself against the length of recent time spent crime free. No single factor would predominate in the licensing decision, allowing a greater degree of perceived fairness, balance and transparency to be achieved. This option is likely to result in 12 – 14% of applicants failing the criterion.

13. There are risks attached to each option. The chief risk of option 1 is that if standards are set too low then the SIA will make no real difference to criminality levels and professional standards in the regulated sectors. This is a high risk and one which would carry significant costs for the public, the police and law-abiding operators in the door supervisors and vehicle immobilisers sectors of the industry.

14. The closer a licensing scheme moved towards option 2, the greater the risk that the regulated sectors would become economically non-viable. Criminal statistics show that between 29% and 34% of males aged between 18 and 40 will have a criminal conviction for a standard list offence (Census Population File 1998). This figure is almost certainly higher in the sectors to be regulated. Applied to the maximum, option 2 would remove a substantially higher proportion of existing operators from the workforce than options 1 and 3. Option 2 would be likely to introduce recruitment problems for the industry and drive wages up to a high level for those who did qualify for a licence, thus resulting in greater costs for the service users. If competency standards are set too high, the industry could be crippled by both high training costs and the effects of substantial numbers of existing staff failing to reach the required standards, provoking a substantial industry backlash.

15. An additional risk attached to Option 2 is that it would be open to legal challenge on the principle of proportionality.

16. Option 3, almost by definition, minimises these risks but presents a considerable challenge to pitch standards at that optimum level.

Business Sectors Affected

Door Supervisors

17. There are approximately 850 – 900 companies providing door supervisor services under contract in England and Wales. They range in size from 3500 (though this many employees is rare) to less than five employees. The average size of a door supervisor contract company is between 30 and 50 employees.

18. The industry is populated, in the main, with individuals who are "self-employed" in umbrella firms. The industry is characterised by high numbers of transient workers (20% to 50% stay in the industry for six months or less) and by both geographical and seasonal variations. Approximately 35% to 40% of door supervisors are employed in-house by the larger leisure companies, although some of these "in-house" employees are employed on a regular contractual basis and could fall within the definition of either in-house or contract providers. The "Safer Doors Project", completed in December 1999, reports that up to 75% of individuals working as door supervisors do so as part-time employment, often to supplement other employment.

19. There are 31,500 door supervisors currently registered with local authority schemes. This number is taken from a survey of all 409 local authorities, and is made up of 18,800 one-year registrations and 26,500 three-year registrations. However, 35% of local authorities do not currently register door supervisors under any scheme and an estimated 30% of registered door supervisors are registered with more than one local authority.

20. It is estimated by the SIA that there will be approximately 95,000 licensed door supervisors once this sector has completed the roll-out process. This number is a significant increase on the current levels and is due to a high turnover rate in the industry, increased demands on pubs and clubs to hire licensed door supervisors (as a condition of their premises licence in the Department of Culture, Media and Sport (DCMS) Licensing Bill) and the legal requirement for every door supervisor to be licensed by the SIA under the Act. Other industry associations, such as the British Entertainment and Dance Association (BEDA), suggest the numbers of door supervisors in the UK should be at a higher level of up to 150,000[1]

21. Of the 95,000 estimated door supervisors, figures based on known current uptakes of registration schemes and population levels suggest that 23% will be employed in the South East police region, 17% in the Midlands West police region, 14% in the North East, 13% in the Metropolitan Police region, 13% in the North West, 9% in the Midlands East area, 6% in the South West and 5% in Wales. The majority of door supervisors are employed in urban areas, particularly the larger cities, though this pattern may change slightly when the effects of the DCMS Licensing Bill require more pubs to hire door supervisors as a condition of their licence.

Vehicle Immobilisers

22. The number of companies in this industry sector is constantly changing. The SIA has identified approximately 60 wheel clamping companies, but many security providers offer this as an additional service, as do facilities management providers. It is also difficult to estimate the number of companies because this industry sector is marked by the extremely low start up costs and the number of individuals who have set up as wheel clampers using only a car/van, mobile phone, stock of clamps and some printed flyers. The industry ranges from one-person companies to the largest firms employing over 1500 personnel. However, even in the larger companies the majority of employees will not be classified as wheel clampers and are involved in other forms of parking enforcement, such as towing away. The SIA estimates that approximately 1200 individuals are currently employed as wheel clampers as defined under the Act. The geographical spread is wide, however the South has the highest percentage of wheel clampers, and beach resorts (such as Bournemouth and Blackpool) are also known to have a higher than average number of firms working in the area. While SIA research has not identified the percentage of towing away firms that also work in the wheel clamping industry, and vice versa, it is estimated that the percentage of companies that work in both forms of parking enforcement will be significant.

23. Groups outside these two business sectors that will be affected by the regulations include the police and the public. The police would benefit from higher standards in the private security industry by having reduced levels of crime to investigate and by being able to establish closer working partnerships with the industry. Certain groups among the public would be particularly likely to come into contact with door supervisors and vehicle immobilisers: those who use pubs and clubs and those who own and drive vehicles. These members of the public would benefit from reduced crime and increased levels of service and competence. All members of the public would benefit from the perception of lower levels of crime and higher professional standards.

Costs and Benefits

Benefits

24. Option 1 would have some, though low, levels of benefit, and therefore a continuing cost, to the public or the police. There would be little improvement over current levels of criminality and competency in these industry sectors and public and police confidence would remain low. There

[1] Perpetuity Research & Consultancy International June 2003

would be some benefit to businesses in that few employees would be excluded from continued employment and so regulation would not inherently give rise to significant additional recruitment costs. However, this must be balanced by the fact that by leaving undisturbed the current low standards within the industry, current high levels of staff turnover (estimated at between 20% and 50% annually in the door supervisor sector, no data is available for turnover in the vehicle immobilisers sector) would be likely to persist.

25. Option 2 would have benefits for those individuals and companies that were able to meet the very demanding criteria; they would be in a very strong position in a substantially reduced market, but they would have had to meet significant training and recruitment costs. There would also be a benefit to the police and public, who would have high levels of confidence in the quality of individuals and companies providing door supervisor and vehicle immobilising services. However if the effect of the licensing criteria was such that the industry was unable to recruit sufficient licensed staff, then a shortage of door supervisors could have a negative impact on the confidence and safety of customers of pubs and clubs.

26. Option 3, in achieving an appropriate balance between the need to raise standards in the industry and the need to do so in a manner that allows genuine businesses to thrive, carries a wide range of benefits. Standards would be raised to a degree that increased public confidence in the regulated sectors. Similarly increased police confidence could lead to progressive levels of partnership within the wider police family. A reduction in crime and distress to members of the public should be achieved. There would be a particular benefit for vulnerable members of the public, often young adults, who rely on door supervisors for their safety in pubs and clubs. Door supervisors with higher levels of skill in first aid, drug awareness and conflict management would make pubs and clubs much safer places. For licensed individuals and their companies, the achievement of worthwhile recognition of their professional standards should lead to greater job satisfaction. As a result, there would be lower levels of staff turnover, resulting in lower recruitment costs and higher skill levels. Licensed individuals and their employers would be able to charge more for demonstrably higher standards of service, and these increased fee levels could cover the costs of additional training.

Costs

27. The term "costs" can be misleading in that some will be economic costs to the individuals requiring an SIA licence, others will be applicable to companies providing the services, and a third set would be passed on to the users of such services. Typically the SIA licence fee would be met by the individual applicant, but in some cases this cost would be borne by contracting companies. Similarly the cost of time taken to apply for a licence would initially fall on the individual applicant. In both cases, however, it would be reasonable to expect that these costs would feed through to wage levels and thereby be passed on to service users.

28. If regulation fails to make a positive difference to levels of criminality there will be social costs. The harm already identified in the initial RIA and recognised by Parliament in the Act of crime, fear of crime and low professional standards would not be remedied. Social costs are extremely difficult to estimate. In "The economic and social costs of Crime" by Sam Brand and Richard Price (Home Office Research Study 217, 2000) it is calculated that violent crimes make up nearly a quarter of the volume of offences but account for nearly three-quarters of the total cost to society. The same report stated that it was not possible to calculate the cost of fear of crime which would persist if the criminality levels remained at current perceived levels.

29. In analysing the costs of each of the optional approaches to regulation, it is assumed that the cost of the licence fee set by the Security Industry Authority would remain the same in each case. It is government policy that regulatory bodies such as the SIA should be self-financing. It would not be appropriate either to use public funds to subsidise regulation of the industry, or to use regulation to raise public funds from the industry. The level of the fee for the granting of an SIA licence is therefore determined by the cost of operating the regulatory scheme, including the cost of running the Authority, and the demand for licences. The variables tested by the three optional approaches – the standards of criminality and competency that will be required in order to gain an SIA licence – would not entail different procedures within the Authority that would lead to a change in the overall cost of the scheme or, therefore, in the level of the licence fee. Option 1, however, may have the effect of deterring fewer people with criminal records from applying for a licence thereby increasing demand and reducing the unit cost of a licence.

30. The application fee for an SIA licence (which will be valid for three years) will be £190; this includes the cost (£28 from next April) of obtaining a Disclosure from the Criminal Record Bureau (CRB). It has always been the Home Office intention that the SIA should be self-funded by means of the charges that it makes to those who use its services, and that it should not be a drain on taxpayers. The licence fee has, therefore, been set at the level necessary to meet the full cost of running the SIA, this includes not only the direct cost of processing licence applications, but also the Authority's other running costs relating to, for example, its enforcement and compliance function. This cost will be used in the costing of each of the options.

31. The analysis also assumes that the application process would be the same, or very similar, for each option. Variations in the criteria to determine applications would not affect the process. Licence application time is only relevant as a cost to industry where the applicant is currently employed in the sector and would not be able to continue employment until a full SIA licence was granted and where insufficient time was allowed for the application to be processed before the regulations came into effect. SIA communication strategy would aim to minimise the percentage of late applications. Where relevant, application time is calculated as the average number of hours worked in the period of time it takes to receive the licence multiplied by the average hourly wage.

32. Training costs will fall most heavily on new entrants to the industry since a proportion of existing qualifications can be transferred without additional costs. The SIA estimate that training will cost between £250 - £350, and has agreed funding support with the Learning Skills Council (LSC) to reduce the costs to individual trainees. The LSC funding support will be £102 per individual which will go to the training provider to off set the training fees reducing the cost for door supervisors for the SIA qualification to around £150 - £250. Very little training currently exists for vehicle immobilisers but a full training cost of £500 is estimated.

33. Wage levels in both industry sectors are a cost borne by users of the services. Door supervisor wage levels currently range from £5 to £7 per hour. Very little is known about wage levels for individual vehicle immobilisers, but the same range is assumed. We assume that these levels would increase in the short term if the licensing criteria excluded substantial numbers from employment by reducing the pool of available labour. This would be a particularly relevant factor under Option 2. In the longer term, wage levels could also be expected to increase to reflect demonstrably higher standards of competency. However, at this stage we do not have sufficient information to allow us to predict or estimate the impact on the market of increased wage levels. We will re-examine this issue in the Final RIA in the light of any comments received in response to this Partial RIA.

34. Recruitment costs may be borne by contracting companies or directly by service users. Such costs range from minimal administration costs to £350 per member of staff for a full advertising

campaign. Recruitment costs would be a significant factor in any option which excluded large numbers of existing operators, though this would diminish over a period of time.

35. For those supplying door supervisor services, the cost of SIA regulation may be offset by savings if they are currently subject to local authority registration schemes which currently range between £30 to £430, though the average is within the range of £30 to £150.

36. The following paragraphs examine the cost to the industry, whether individuals or companies, of the different options. The breakdown of anticipated costs under each option for typical companies in both sectors can be found in Appendix 1.

Costs – Option 1

37. Option 1 sets the criminality criteria low, so it is assumed that relatively few applicants would be refused a licence. Where applicants are refused a licence they will be barred from engaging in licensable activities. Users and providers of services will have to recruit replacement, licensed, staff.

38. Under Option 1 there are a number of social costs. If the criminality criteria for the grant of licences are set too low, and no competency criteria are set, it is unlikely that regulation will make a positive difference to levels of criminality. These business sectors would retain a low level of public and police confidence which would affect their capacity to market their services as skilled and professional. High levels of staff turnover would be likely to persist, perpetuating high recruitment and training costs.

39. Total costs to the industry of Option 1 would include licence fees, application times and ongoing recruitment costs. These costs would be offset, for door supervisors in some areas, by potential savings in local authority registrations. No estimate can be made of increased costs that would be incurred in marketing services in which public confidence remained low.

Costs – Option 2

40. Option 2 sets the criminality criteria very high and also requires evidence of high levels of competencies. Businesses or individuals would have to pay for training in order to provide the required evidence. It must be assumed that a high proportion of those currently working in these business sectors would fail to meet these standards and would therefore be excluded from employment under Option 2, resulting in significant recruitment costs for companies both supplying and using the services.

41. For Option 2 the social costs are complex. On one hand, setting licence standards very high might lead to an increase in public and police confidence and a reduction in crime around these sectors of employment. However setting standards too high would be likely to have two negative effects: there might be high levels of evasion and continuing unlicensed activity; and there might be a severe shortage of licensed operators, running the risk that pubs and clubs would be under-supervised.

42. The total industry costs of Option 2 would include licence fees, application times, training costs, and ongoing recruitment costs. Inflated wage levels resulting from scarcity of licensed operators are difficult to estimate but would be an additional cost. These costs would be offset, for door supervisors in some areas, by potential savings in local authority registrations.

Costs – Option 3

43. The criminality criteria proposed under Option 3 would exclude some currently working in the industry and this would result in recruitment costs. There would be training costs in order to reach the required levels of competency. However these costs would be offset by the benefits of lower staff turnover as employees recognised the benefits of a higher status career and greater marketability as higher standards were recognised by customers.

44. There would be few social costs of Option 3 and many benefits, as outlined in paragraph 26.

45. The total industry costs of Option 3 would include licence fees, application times, training costs, and ongoing recruitment costs. Inflated wage levels resulting from scarcity of licensed operators are difficult to estimate but would be an additional cost. These costs would be offset, for door supervisors in some areas, by potential savings in local authority registrations.

Other Costs

46. Local Authorities currently charging for registration schemes will lose their income once SIA regulation comes into force. However, any charges being made should only cover the cost of administrating the system and those that appear to making any profit are very few. The SIA has spoken to many Local Authorities (LA) in regional licensing forums; there is a general consensus that they are happy to lose the administrative burden.

47. Other public sector costs include costs to the Home Office of setting up the SIA. These set-up costs of £21.2m will not be recouped by the collection of licence fees.

48. There will be a cost to the Department for Constitutional Affairs in respect of appeals to Magistrates' Courts and Crown Courts. Court costs will be refunded by the SIA.

Issues of equity and fairness

49. Whichever option is chosen for the level of criteria applied to the granting of SIA licences, those criteria will be fair and transparent. They would apply equally to individuals in different sizes of business and in all parts of the country. However it is also desirable that regulations should be proportionate in their application. Option 2, setting very high standards of criminality and competency, would have a disproportionate effect on business in relation to the aim of the regulations. Option 3 seeks to apply proportionate requirements on the industry in order to address the aim of reducing crime and raising professional standards.

Consultation with small business: the Small Firms' Impact Test

50. In consulting the relevant sectors of the private security industry, the SIA has attempted to identify and reach small businesses. Apart from a few of the largest companies in either sector it is known that the majority of companies have less than 50 employees. The wheel clamper industry sector is marked by the number of small firms (five employees and under), which spring up very easily and quickly. The door supervisor market is slightly more stable, though still heavily populated by small firms or self-employed individuals. There is no Standard Industrial Classification (SIC) which is

often used to assist in defining the labour market, available for either the door supervisor or wheel clamping sector, nor is there a categorisation available from Companies House for any limited companies, that might assist in identification of such companies. Umbrella organisations have been contacted where possible in order to assist with the identification of small firms in either sector, and publicity has been placed in trade publications in order to ease communications with the smaller companies who have tended to not attend regional seminars. (See lists in Appendix 2 of organisations and companies consulted by the SIA.)

Competition Assessment

51. A competition filter has been carried out of the market for door supervisors and vehicle immobilisers. We expect little change in existing levels of competition and there is unlikely to be a negative competitive impact from the proposed regulatory scheme.

Enforcement and Sanctions

52. The regulations will be enforced by a strategy that includes

(i) <u>Partnership with the police and Local Authorities</u>
The SIA is working to develop strategic partnerships with the police and local authorities in order to maximise practical co-operation in areas of common concern. There are clear overlaps of interest with the police in the area of specific targets under the National Policing Plan, Local Policing Plans, and Crime and Disorder Strategies (well run pubs and clubs, reduction in anti-social behaviour, reduction in violent crime, impact on illegal supply of drugs) and with local authorities in the area of local strategic plans, crime and disorder reduction strategies, and responsibilities under section 17 Crime and Disorder Act 1998 (prevention of crime and disorder, public safety, prevention of public nuisance, protection of children from harm).

(ii) <u>Management of Intelligence</u>
The SIA's strategies for compliance and enforcement will be intelligence led. The SIA's own enforcement and compliance activities, and those in which it seeks to engage its enforcement partners, will be determined by its receipt, analysis, prioritisation and dissemination of information, using the principles of the standard National Intelligence Model (NIM).

(iii) <u>Marketing Strategy</u>

The SIA will continue to ensure that everyone affected by its new licensing regime is fully aware of the fact. Communication and marketing activities to this end include regional information seminars, attendance and publicity at industry exhibitions and conferences, an electronic newsletter providing regular updates on activities and mailed to everyone registered for information, and a dedicated SIA website. Between late March and May 2003 there was a small trade press advertising campaign and 84,500 direct mail letters aimed at purchasers of door supervising and wheel clamping services to invite them to register for further information about how the SIA could affect their businesses. Copies of a brief leaflet have been distributed to all local authority licensing officers in England and Wales, for them to pass on to door supervisors in their areas, inviting door supervisors to contact the SIA for further information.

(iv) <u>A regional inspectorate structure</u>

The SIA will establish a regional structure of Inspectors. The exact size and structure is yet to be determined, but numbers are likely to be in the region of 40 staff in total. They will include specialists to manage, analyse and disseminate relevant information to enforcement partners and others. Other tasks will be the promotion of compliance and best practice with employers and local users of licensable security services, and actively managing the successful exploitation of overlaps with enforcement partners.

(v) Prosecutions

Prosecution for one or more of the offences created by the Act will be an action of last resort.

Monitoring and Review

53. The SIA Board will report annually to the Home Secretary on the operation of the legislation and the performance of the Authority in meeting its aims and the report will be published. In addition, the SIA will publish annually its accounts and corporate and business plan.

Consultation

54. An extensive list of Government Departments, organisations and companies consulted by the SIA to date is at Appendix 2.

55. The SIA has held 6 Regional Seminars during February and March 2003.

SIA staff also deal with a wide range of correspondence from companies and individuals about future regulation.

56. The SIA has had stands at the following trade exhibitions & conferences

Security Roadshow

Restaurant and Bar

Pub and Bar

Police Federation Conference

IFSEC

The Security Institute Conference

LGA Conference and Exhibition

British Parking Association Seminar

Safer Doors Conference

Parkex

Securex

British Beer and Pubs Association exhibition

Assorted other meetings

57. In July 2002, the Sentencing and Offenders Unit of the Home Office carried out a limited consultation exercise on the specific issue of the practice of towing away vehicles from private land and charging a release fee. Three organisations were consulted: The Local Government Association, The Association of Chief Police Officers and the British Parking Association. The consultation letter asked for views on

- **The scale of any problems currently posed by the towing away of vehicles**
- **The extent to which the practice might grow as an alternative to wheel clamping when SIA regulation came into force; and**
- **How the problem should be addressed**

Responses confirmed anecdotal evidence that there were problems arising out of the practice of towing away, giving rise to widespread public complaint; predicted that these problems would increase as operators sought to evade the licensing requirements attached to wheel clamping, and recommended that the problem should be dealt with be extending the licensing remit of the SIA to include this form of activity.

Summary and Recommendation

58. There is widespread support for the regulation of the door supervisor and vehicle immobilisation sectors of the private security industry. The SIA has been working closely with interested parties to develop a regulatory scheme, which is fair, efficient and effective in meeting its aims of reducing crime and raising standards in the industry. We recommend the approach to licence criteria in Option 3, which seeks to balance the need to make a positive difference to public safety without severely damaging the business interests of the industry. A regulatory scheme which follows the approach in Option 3 is more fully described in the Consultation Document and the views of the public, businesses and other interested parties are sought.

COSTS FOR A TYPICAL BUSINESS

Door Supervisor companies

1. **Costs for a typical door supervisor business, with 50 licensable staff, under the three options discussed in the Partial Regulatory Impact Assessment, have been made for all three options using a series of assumptions as explained in paragraphs 2- 10.**

2. **Wage levels range from £5 to £7 per hour at the current level of the available labour market, and this wage level has been used in Option 1.**

3. **A substantially reduced labour market, under the toughest level of criminality criteria and competency requirements in Option 2, would raise the wage levels to a range of £13 to £15 per hour.**

4. **A partially reduced labour market, under increased levels of criminality criteria and competency requirements in Option 3, would raise the wage levels to a range of £9 to £11 per hour.**

5. **Training costs for staff would range from £80 to £100 per day for a modular five day training course. This would not be the same for all door supervisors currently in the industry because it is known that a number of individuals have already completed comparative and acceptable training. However, for these calculations it has been assumed that no training has been previously completed. In addition, no reductions have been made to the training costs through available subsidies.**

6. **Recruitment costs per member of staff range from minimal administration costs of £20 to £350 for a full advertising campaign. Option 1 uses the lower end of the range, £20 to £130, because the labour market has not been significantly reduced. Option 2 uses the higher end of the range, £240 to £350, because the available labour market has been significantly reduced. Option 3 uses the middle section of the range, £130 to £240, because the labour market has been reduced in greater terms than in Option 1 but less than in Option 2.**

7. **The figures for offsetting costs against savings made if the companies are currently subject to local authority registration schemes range from £30 to an average of £150.**

8. **When calculating time taken to apply for an SIA licence this RIA has used the figure of 48 hours. This has been calculated by multiplying the number of working hours lost during the time taken if the applicant applies once the regulations come into effect and cannot, therefore, legally work while waiting for the licence application to be processed. The average time to process a licence application is estimated to be 3 weeks. This would cover 3 Fridays and 3 Saturday evenings when a door supervisor might reasonably be expected to work up to 8 hours per working day. However, given the marketing and communication programs that the SIA has established, this cost has only been applied to 10% of employees per company, with the other 90% applying for their licences in advance of regulation.**

9. **When calculating time taken to apply for a local authority registration the assumption has been made that such a scheme was previously in existence, and that a local authority scheme required the door supervisor to be registered before work could be entered in to. It has also been assumed that only 10% of employees per company (as in paragraph 8) would have missed any work by waiting to receive the registration prior to working. The amount of time taken to apply for a local registration scheme has been calculated to be one working day/night of 8 hours.**

10. **The costs for all 3 options are calculated using the same equation of (a-b)+(c-d)+e+f = total cost to company of 50 employees, assuming the company is paying for all the licence applications, training and recruitment and has been in existence in a Local Authority area that ran a registration scheme prior to the start of SIA licensing:**
    a. **Total licence cost: 50 licences @ £190 per licence ÷ 3 (licence covers a 3 year period)**
    b. **Offsetting cost of average local authority registration fees @ £30 to £150 x 50 employees**
    c. **Time taken to apply for a licence: 48 hrs x £ wage range per hr x 5 licences (10% of employees as in paragraph 8)**
    d. **Offsetting cost of time taken to apply for local authority registration @ 8 hours x wage level range x 5 employees (10% as in paragraph 9)**
    e. **Training costs per day x 50 employees x 5 days**
    f. **Recruitment costs x 50 employees**

11. **<u>Option 1 Costs £</u>**

a.	**3166.67**	**(£190 for a SIA licence fee)**
b.	**1500 to 7500**	**(£30 to £150 range of average local authority registration)**
c.	**1200 to 1680**	**(£5 to £7 range of wage level)**
d.	**200 to 280**	**(£5 to £7 range of wage level)**
e.	**20000 to 25000**	**(£80 to £100 training costs range per day)**
f.	**1000 to 6500**	**(£20 to £130 recruitment costs per employee)**

<u>Total costs</u> **£27,066.67 to £44,126.67**

12. **<u>Option 2 Costs £</u>**

a.	**3166.67**	**(£190 for a SIA licence fee)**
b.	**1500 to 7500**	**(£30 to £150 range of average local authority registration)**
c.	**3120 to 3600**	**(£13 to £15 range of wage level)**
d.	**520 to 600**	**(£13 to £15 range of wage level)**
e.	**20000 to 25000**	**(£80 to £100 training costs range per day)**
f.	**12000 to 17500**	**(£240 to £350 recruitment costs per employee)**

<u>Total costs</u> **£40,306.67 to £57,366**

13. **<u>Option 3 Costs £</u>**

a.	**3166.67**	**(£190 for a SIA licence fee)**
b.	**1500 to 7500**	**(£30 to £150 range of average local authority registration)**
c.	**2160 to 2640**	**(£9 to £11 range of wage level)**
d.	**360 to 440**	**(£9 to £11 range of wage level)**
e.	**20000 to 25000**	**(£80 to £100 training costs range per day)**

f. 6500 to 12000 (£130 to £240 recruitment costs per employee)

Total costs £29,966.67 to £50,746.67

Vehicle Immobilisation Companies

14. **Costs for a typical vehicle immobilising business, with 10 licensable staff, under the three options discussed in the Partial Regulatory Impact Assessment, have been made for all three options using a series of assumptions as explained in paragraphs 16 – 20. The formula is shown in paragraph 21.**

15. **Typical costs for companies supplying vehicle immobilisation services have been calculated using the assumption that typical hourly wage levels are comparative to those in the door supervisor industry at £5 to £7 at the current levels, and that the same wage levels will be used for the vehicle immobilising sector at different options as are used in the door supervisor sector. Option 1 levels will range from £5 to £7, Option 2 levels will range from £13 to £15 and Option 3 levels will range from £9 to £11.**

16. **When calculating time taken to apply for a licence this appendix has used 15 days (three working weeks) at 8 hours per day resulting in 120 hours. However, given the marketing and communication programs that the SIA has established, this cost has only been applied to 10% of employees per company.**

17. **Although training for vehicle immobilisers is only currently run in one Local Authority, to the knowledge of the SIA, those costs have been used to estimate the training costs that any individuals would have to undertake under Options 2 and 3. The training costs used are £500 per individual.**

18. **Recruitment costs would be comparable to those used for the door supervisor sector, in that Option 1 would range from £20 to £130, Option 2 would range from £240 to £350 and Option 3 would range from £130 to £240.**

19. **The costs for all 3 options are calculated using the same equation of g+h+i+j = total cost to company of 10 employees, assuming the company is paying for all the licence applications, training and recruitment:**
    - **g. Total licence cost: 10 licences @ £190 per licence ÷ 3 (licence covers a 3 year period)**
    - **h. Time taken to apply for a licence: 120 hrs x £ wage range per hr x 1 licence (10% of employees as in paragraph 18)**
    - **i. Training costs x 10 employees**
    - **j. Recruitment costs x 10 employees**

20. Option 1 Costs £

g.	**633.33**	**(£190 for a SIA licence fee)**
h.	**600 to 840**	**(£5 to £7 range of wage level)**
i.	**5000**	**(£500 training costs per employee)**
j.	**200 to 1300**	**(£20 to £130 recruitment costs per employee)**

Total costs £6433.33 to £2773.33

21. Option 2 Costs £

g.	**633.33**	**(£190 for a SIA licence fee)**
h.	**1560 to 1800**	**(£13 to £15 range of wage levels)**
i.	**5000**	**(£500 training costs per employee)**
j.	**2400 to 3500**	**(£240 to £350 recruitment costs per employee)**

Total costs £9593.33 to £10933.33

22. Option 3 Costs £

g.	**633.33**	**(£190 range of SIA licence fee)**
h.	**1080 to 1320**	**(£9 to £11 range of wage levels)**
i.	**5000**	**(£500 training costs per employee)**
j.	**1300 to 2400**	**(£130 to £240 recruitment costs per employee)**

Total costs £8013 to £9353.33

Other Costs

23. **No estimates are given for the marketing costs that companies might be required to bear in order to reassure the public and users of their services about the quality of staff under the different options.**

Appendix 2

Consultations previously undertaken by the Security Industry Authority

A. Government Departments

Department for Transport - Security Section (Transec)
Department of Health
Department of Work & Pensions
Office of Fair Trade
Department of Trade & Industry
Department for Education & Skills
Foreign and Commonwealth Office - Nationality and Passports section
Department of Culture, Media and Sport
Lord Chancellor's Department (as was)
Customs and Excise
Inland Revenue

B. Other Organisations

Local Authority Co-ordinators of Regulatory Services (LACORS)
Association of Chief Police Officers (ACPO)
Association of British Insurers (ABI)
Crown Prosecution Service (CPS)
Gaming Board of Great Britain (GBGB)
Health and Safety Executive (HSE)
Her Majesty's Prison Service
Environmental Health
Magistrates Association
National Counter Terrorism Security Office (NaCTSO)
Trading Standards Institute
Learning Skills Council (LSC)
Sector Skills Development Agency (SSDA)
United Kingdom Passport Agency (UKPA)
Driver Vehicle Licensing Agency (DVLA)
Information Assurance Advisory Council (IAAC)
Chamber of Commerce
CBI
Automobile Association
Royal Automobile Club
British Standards Institute

British Parking Association

PubWatch

Federation of Licensed Victuallers Associations (FLVA)

National Council for Further Education (NCFE)

British Institute of Innkeeping (BII)

City and Guilds

Qualifications and Curriculum Authority (QCA)

Security Institute Training Organisation (SITO)

National Security Inspectorate

Joint Security Industry Council (JSIC)

British Security Industry Association (BSIA)

Local Government Association (LGA)

Association of London Government (ALG)

Local Government Licensing Forum (LGLF)

Criminal Records Bureau (CRB)

British Entertainment & Disco Association Ltd (BEDA)

National Association of Registered Door Supervisors & Security Personnel

UK National Reference Point for Vocational Qualifications (UK NRP/ECCTIS)

Citizens Advice Bureau

Work Permits (UK)

ASIS UK

Safer Doors Forum

National Association for Healthcare Security (NAHS)

Association of University Chief Security Officers (AUCSA)

Association of Licensed Multiple Retailers (ALMR)

Transport and General Workers Union (TGWU)

GMB Trade Union

Federation of Small Businesses

UK Crowd Management Association (UKCMA)

Perpetuity Research Consultancy International

C. <u>Companies</u>

Assist Security

CCT Group Ltd

Industry Security Services

Noble Security Services

London Clubs International

Licensed Trade Training Company

Six Continents Retail

Security Industry Training Academy

Apcoa Parking (UK) Ltd

Integer Training Ltd

Security Global





Private Security Industry: Proposals to Regulate the Industry

(Door Supervisors & Wheel-clampers)

ANALYSIS OF RESPONSES TO THE CONSULTATION DOCUMENT

December 2003

Criminal Records and Security Industry Unit
Home Office
85 Buckingham Gate
London
SW1E 6PD

Tel. No. 020 7411 5502
Fax No. 020 7411 5596

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Annex C **Respondents to the consultation document** **39**

1. Introduction

1.1 On the 21 July 2003 the Home Office (HO) published a consultation paper seeking views on further proposals to regulate the private security industry. In particular, the paper sought comments on the proposed criteria for the granting of licences for door supervisors and wheel-clampers and on a proposal to extend the regulation of wheel-clamping so that it also covered the practice of towing vehicles away. Views were also sought on a partial regulatory impact assessment which accompanied the consultation paper. This consultation on the detailed arrangements to implement the Private Security Industry Act 2001 follows on from earlier consultation by the Home Office in 2000 prior to introduction of the Bill which led to the 2001 Act.

1.2 The consultation document and regulatory impact assessment was sent out to over 2,800 interested organisations and individuals which included private security providers/suppliers, trade bodies, local authorities, the police and training providers. The consultation document was also made available for download from the HO and the Security Industry Authority (SIA) websites.

1.3 During the 12 weeks consultation period, a total of 83 replies were received, 559 people opened the document on the Home Office website and 19,119 opened it from the SIA website. The industry sector breakdown of respondents can be seen in **Table 1**.

1.4 However, this report is based on the 83 responses received, of which 5 requested that their comments should remain confidential. This paper will reflect most of the views offered, inevitably, it is not possible to describe all those responses in detail. The objective is to reflect the views that emerged. An overview of the results is set out in the executive summary.

1.5 You can obtain copies of this report and the 'Private Security Industry - Further consultation on proposals to regulate the industry' paper from the following contact points:

www.homeoffice.gov.uk

www.the-sia.org.uk

or

Bridgette Brooks
Criminal Records and Security Industry Unit
Home Office
85 Buckingham Gate
London SW1E 6PD

Bridgette.brooks@homeoffice.gsi.gov.uk
Tel: 0207 411 5502
Fax: 0207 411 5596

Category	No.
Door Supervisor – Individual Supplier of Services	7
Door Supervisor - Individual Purchaser of Services	2
Door Supervisor - Corporate Supplier of Services	16
Door Supervisor - Corporate Purchaser of Services	1
Wheel-clamper – Individual Supplier of Services	2
Wheel-clamper – Corporate Purchaser of Services	3
Wheel-clamper – Corporate Supplier of Services	2
Supplier of general security	13
Purchaser of general security	6
Trade Body	5
Local Authority	7
Police	3

Other	14
Not Known	2

Table 1 Breakdown of Respondents

2. Executive Summary

2.1 There was broad support for the Government's proposals for regulating the private security industry as described in the consultation document; in fact 92% of the respondents agreed that the activities of door supervisors and wheel-clampers needed to be regulated. They also supported the view that the highest professional standards should be achieved in order for the private security industry to be recognised as a 'safe pair of hands'. Those that disagreed with the proposed regulation of the private security industry did so on a number of grounds, including cost where there was concern that the licence fee and training costs may deter people from applying for a licence. The consultation document asked for comments regarding two specific issues which were:

- Views on the proposal to extend the regulation of wheel-clamping to cover the practice of towing away vehicles; and
- Views on the preferred criminality criteria for door supervisors and wheel-clampers.

2.2 Towing Away

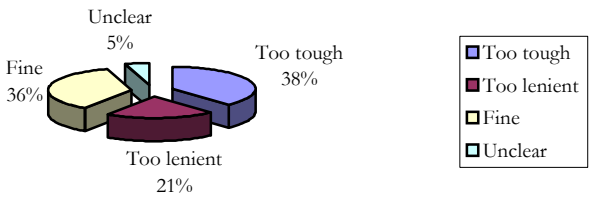
2.2.1 Of the total responses, 23 commented on the proposal that the provisions in the Private Security Industry Act in respect of the regulation of wheel-clamping should be extended to cover towing away and other practices. The overwhelming majority (96%) said they welcomed the proposal to extend the regulatory regime to cover those who towed away vehicles or otherwise prevented the owner of a vehicle parked on private land from driving away, for example by physically blocking the vehicle in. (Also see Annex A part 1)

2.3 Criminality Criteria

2.3.1 A wide variety of opinions were expressed about the criminality criteria, 42 respondents offered views. These have been summarised in **Chart 1**. Of those who responded (42):

- 36% endorsed the criteria; including the main industry associations BSIA and JSIC;
- 38% thought the criminality criteria was too tough; of these a number commented that the proposed criteria would prevent persons with previous criminal convictions from working as door supervisors who would qualify for a licence under existing local authority criteria;
- Many (of the 38% who thought it was too tough) were concerned that although the outlined criminality criteria were necessary to raise standards in the industry, they could result in high numbers of existing door supervisors failing to get an SIA licence.
- 21% thought that the criteria were too lenient; the majority of these considered that any criminal record should debar a person from obtaining an SIA licence.
- 5% expressed the view that the criteria as currently outlined were unclear. This view was particularly prevalent amongst respondents who were unclear as to the impact of the criteria on their own individual circumstances. (Also see Annex A part 2)

Chart 1 Criminality Criteria (out of 42 respondents)



2.4 **Other Issues**

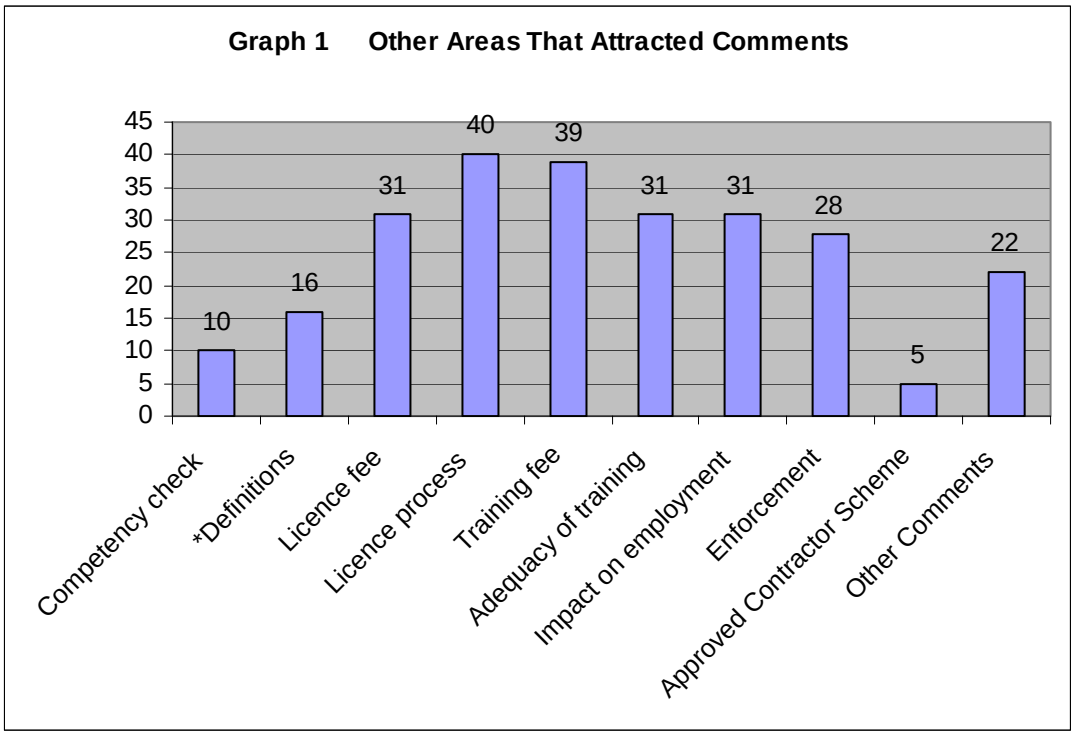
2.4.1 Many respondents did not restrict their comments to the proposals on towing away and the criminality criteria but also made reference to a wide range of other issues. Beside the criminality criteria, the subjects that attracted a high response rate included:

- The licence process;
- The licence fee and the cost of training;
- The affect on employment (mainly on door supervisors);
- Adequacy of the training programme.

*

2.4.2 A breakdown on the subjects raised is illustrated in **Graph 1** (shown in numbers per area), the title 'other comments' mainly refer to issues surrounding manned guarding and a variety of one-off topics. A full statistical summary can be seen in **Annex A**.

*Definitions – this included 14/16 respondents who commented that certain terminology or phraseology was unclear. This included;' fine tune decision'; validity of licence; enforcement; 'premises open to the public'; 'requirement to hold a licence will apply to' and safety stewards. 2/16 respondents mentioned that the consultation document was perfectly clear.



2.5 It was evident from the views received that some areas of the proposal and related issues required further clarification and explanation. To address these points more comprehensive guidance will be made available on the SIA website (**www.the-sia.org.uk**) or via the SIA call centre (08702 430 100).

2.6 The report continues with specific comments made by a selection of respondents in relation to their category.

- **Annex A** provides a statistical summary
- **Annex B** catalogues comments made by key players and others
- **Annex C** lists all the respondents to the consultation document

3. Views Expressed on Specific Questions and Related Issues

3.1 This section draws together general comments made by respondents who held similar views on the specific question asked in the consultation paper and related issues. Any direct quotes are in "*italics*". Note that the views expressed in this part of the paper are those of respondents to the consultation document.

3.2 Towing Away

Views on the proposal to extend the regulation of wheel-clamping to cover the practice of towing away vehicles

3.2.1 **Local Authorities**:- It was observed that a significant number of complaints are received each year. Two thirds of these complaints involve vehicles being towed away and held at secure storage until payment is received. Our experience is that vehicle towing is causing significant distress to the victims, and that current limited remedies are failing to make the towing operatives accountable for their actions. It is essential that the practice of towing vehicles away is properly regulated as well as vehicle immobilisation.

3.2.2 **Purchasers of General Security**:- It was pointed out that the proposal should be extended to cover the practice of towing away vehicles as firms that do not want to be licensed for one reason or the other would use this loophole to extort money from unsuspecting people. The Government should also regulate the other methods by which occupiers of private land could prevent the owner of a vehicle from driving away, for example, blocking it in or sealing the exit.

3.2.3 **Wheel-clampers - Corporate Purchaser of Services**:- Generally, it was noted that this category was in favour of all security services being licensed and strongly believed the system of regulation should be extended to cover the removal of vehicles.

3.2.4 **Suppliers of General Security**:- commented that failing to include towing away would be foolhardy and would, to a large extent, negate what the Home Office was trying to achieve.

3.3 Criminality Criteria

Views on the preferred criminality criteria

3.3.1 **Trade Body**:- Agreed the criminality criteria is assessed at the appropriate level, but felt due to the nature of the job a number of employees may fail the criteria. However, they strongly supported the criteria as set out and argued that this should not be used as a reason to dilute the legislation.

3.3.2 **Door Supervisors – Individual Supplier of Services**:- Felt that a fairer way to implement the system would be on a 2-stage basis. Anyone currently working within the industry, with any offences committed over 2 to 5 years previously (subject to negotiation) should be able to get an SIA licence, in effect an amnesty.

3.3.3 **Suppliers of general security**:- Some door supervisors have to deal with situations involving those who are fighting and drunk; and in denying them access to premises the door supervisors could be attacked, which may lead to them being cautioned for assault because they defended themselves. With regards to 'significant offences' these need to be applied with some understanding and imagination, lest the industry breeds a generation of door supervisors who turn their back on situations they should be managing rather than risk losing their licences.

3.3.4 **Door Supervisors - Corporate Supplier of Services:-** Whilst they agreed that the Government appears to have struck a balance by opting for the proposals outlined in the consultation document, there were concerns that the necessary but unavoidable consequence of this approach would result in a higher number of door supervisors failing the criminality criteria. The SIA indicates a loss of 12 - 14% in terms of those existing door supervisors failing to meet the criminal criteria, some estimate that that figure would to be nearer to 25% in some regions. This would necessarily impact on the supply of door supervisors and drive up wages in the sector. Whilst the majority of suppliers and purchasers of door supervisors would be keen to uphold the law and comply with the licensing requirement, the dearth of door supervisors and higher costs could lead to a number of suppliers and purchasers seeking to evade the controls.

3.3.5 **Local Authorities**:- Felt that the criminality criteria were unclear. Many applicants of the current scheme are recent arrivals from overseas and some consideration should be given to convictions overseas.

3.3.6 **Door Supervisors - Corporate Supplier of Services**:- Felt that all criminal records of existing door supervisors should be disregarded, allowing a licence initially, but any future convictions after commencement of the scheme would then be dealt with in accordance with the SIA regulations.

3.4 Competency Checks and Training costs

3.4.1 **Door Supervisors- Individual Purchaser of services**:- Felt that the proposed five days of training at a cost of £80 to £100 per day and £190 licence fee was unworkable. The average door supervisor in their area earns £8.00 per hour and works on average 10 hours per week. This means that the cost of securing a licence would be almost £700 for someone earning £80 per week before tax and NIC.

3.4.2 **Purchasers of General Security**:- A few expressed their support for a modular approach, rather than inclusive courses, where the duplication of subjects will be unnecessarily costly.

3.4.3 **Local Authorities**:- Fire safety should be included in the competency requirement.

3.4.4 **Suppliers of General Security**:- Considered the pre-entry requirements may severely restrict the availability of temporary staff for one-off events and to cover holidays. Individuals are unlikely to pay for a licence and training to provide occasional cover. This could cause serious problems at many large regional events and at Christmas and New Year. This resource shortage could place extra burden on the police and local authorities.

3.5 The Application Process

3.5.1 **Suppliers of general security**:- Some suggested that the estimated amount of time it would take to process applications at 4 weeks is wildly optimistic. Given the time taken by other agencies of a similar nature, therefore, it is suggested that a more realistic time frame would be between 8 and 12 weeks.

3.5.2 **Local Authorities**:-It was thought that licensed individuals should be required to wear their badges.

3.5.3 **Suppliers of General Security**:- Pointed out that the renewal of licences at the end of the three year period is not mentioned in the document. They felt that in the event that a person is renewing his licence 'as is' and there has been no change in circumstances this should not require a full primary licence renewal fee. This would be consistent with renewing other items such as passports etc.

3.5.4 **Suppliers of General Security**:- Some respondents expressed serious concern about the ability of the CRB to cope with the volume of applications and their ability to process criminal record checks in time for the SIA to meet a 4-week turnaround standard.

3.6 Validity of Licence

3.6.1 **Suppliers of general security**:- Felt it was totally unrealistic to rely on individuals to report to the SIA that they may be subject to criminal proceedings, thus putting their licence in jeopardy, even by a short period of suspension. It should be the responsibility of the charging authority (police) to inform the SIA of any impending action, thus ensuring that individuals unwilling to comply with this requirement are notified to the SIA.

3.6.2 **Door Supervisors - Corporate Supplier of Services**:- Could see no mention made or consideration given as to what conditions will have to be satisfied at the expiry of the licence after three years. They thought that it was essential for licensees to undertake some form of refresher training which could address any relevant legislative changes and provide the opportunity to renew first aid skills. They also considered that it is imperative that a licence was suspended where the licensee had been charged with any offence, a conviction for which would have debarred him from being granted a licence.

3.7 Licence Fee

3.7.1 **Door Supervisors – Individual Supplier of Services**:- In their view the general consensus within the industry was that between 30-50% of current door supervisors would not be prepared to apply for an SIA licence , and hence finish working when the SIA licensing came into force in their area. It was suggested that the resultant shortfall of door supervisors could cause many bars to shut or at least reduce current capacity, losing the local councils and central government revenue. Also felt that the nature of supply and demand would ensure that the hourly rate which the remaining door supervisors could command would increase. This cost will then be passed on the customers. These said customers would inevitably be told that

increased security costs through the implementation of SIA have caused the increases and without public support the scheme could be doomed to failure.

Annex A

Statistical Summary

A1 Towing Away and Other Practices

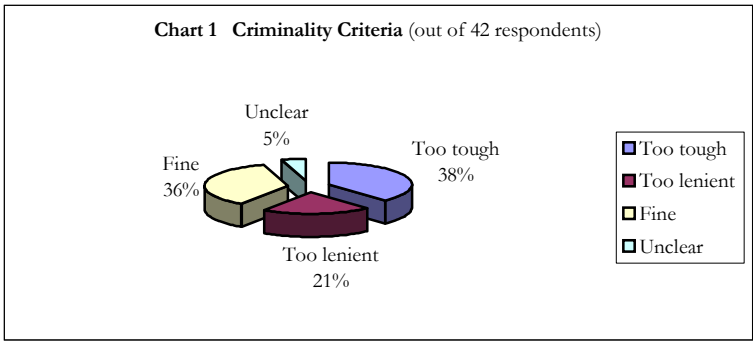
A1.1 23 out of 83 (28%) respondents commented on whether the regulation of wheel-clamping should be extended to include towing away and other related practices. Of those, 96% said it should be extended. A further breakdown of the respondent's category is given below. Only one respondent opposed the extension of the regulation to include towing away.

Category	**Of the 96%** **%**
Door Supervisor – Individual Supplier of Services	5
Door Supervisor - Individual Purchaser of Services	5
Door Supervisor - Corporate Purchaser of Services	5
Wheel-clamper – Individual Supplier of Services	5
Wheel-clamper – Corporate Purchaser of Services	5
Wheel-clamper – Corporate Supplier of Services	10
Supplier of general security	20
Purchaser of general security	10
Trade Body	15
Local Authority	5
Police	5
Other	10

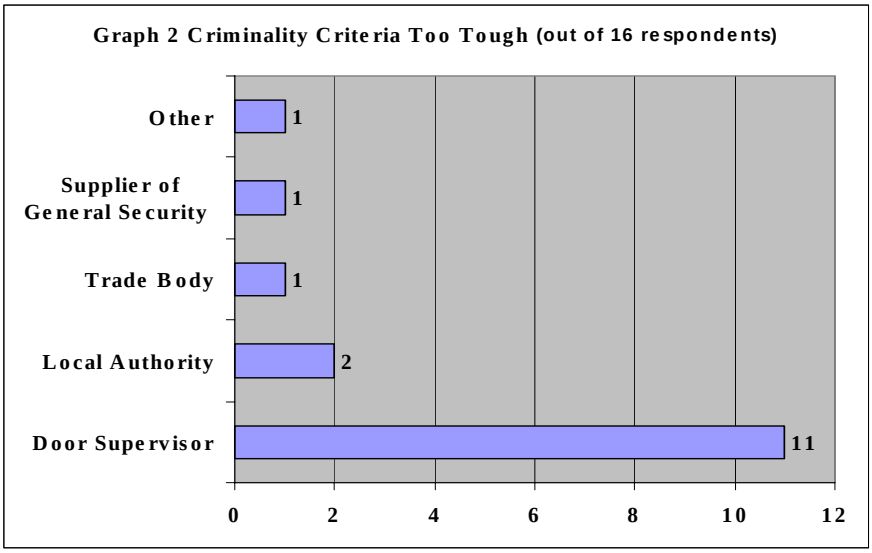
Table 2 Breakdown of respondents who said the Act **should be extended to include Towing Away**

A2 Preferred Criminality Criteria

A2.1 42 people commented, of this number 38% expressed the view that the criteria were too tough, 36% supported the criteria, 21% thought they were too lenient and 5% said they were unclear. Most of those in the 5% bracket stated they could not understand what was meant by the term 'fine tune decision'. **Also see Chart 1.**

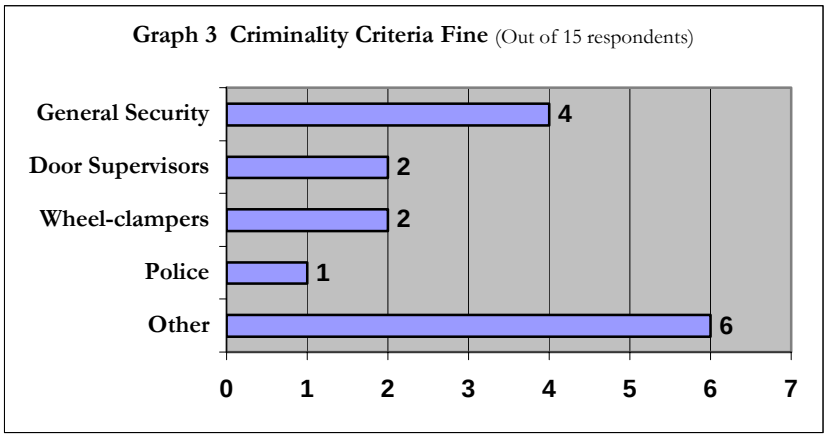


A2.2 **Graph 2** shows a breakdown of those who thought the criminality check too tough. The majority (11/16) were from the door supervisor sector.



A2.3 A wide spectrum of respondents (no particular industry sector) felt the criteria were too lenient.

A2.4 **Graph 3** illustrates those categories that supported the proposed criminality criteria.



A3 Competency and Training

A3.1 41 people offered views on the competency check requirements and the format training would take. The majority of those who responded were broadly content with the proposal but suggested further thoughts for consideration.

- **5/41 were wholly content with the competency check requirements.**
- **7/41 expressed a desire to provide the training.**
- 7/41 doubted whether the training would be completed within 4 weeks, in effect, the projected time it should take to process an SIA licence application.
- 9/41 felt the training course should include additional subjects and be modular based. E.g. physical restraint, drug awareness, diversity awareness, fire safety and first aid.
- 4/41 said existing appropriate qualifications should be considered (grandfather rights).
- 1/41 suggested modular training may not be sustainable in a competitive market.
- 10/41 believed door supervisors are part-time workers and have other jobs, therefore, limited time to attend courses. (This may cause a reduction in the door supervisor sector).
- 6/41 felt door supervisors would exit the sector due to fear of exams.
- 2/41 asked at what stage of the modular course would competency be proved.
- 2/41 suggested that the training assessment should be competency based (measure outputs not time spent on a course).
- 1/41 said that 5 days spent on training was too long.
- 1/41 felt that not for profit landowners that clamp should not pay for training.
- 1/41 suggested that training for 'on street' parking control should be different to 'off street' parking control.

A3.2 40 respondents commented on the training costs.

- 39/40 claimed the training costs were too high and may deter prospective door supervisors from entering the sector.
- 1/40 respondent felt the costs were acceptable.

A4 Licence Application Process

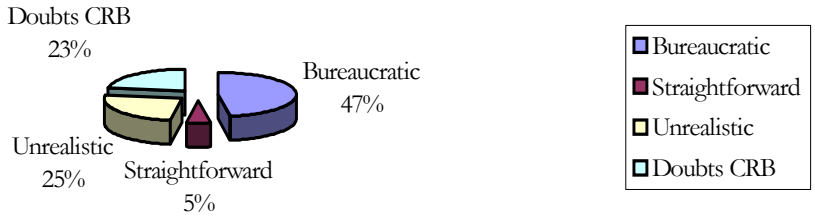
A4.1 40 respondents expressed an opinion on the application process.

- 23% felt the CRB would hold up the licence being issued on time,
- 25% felt the length of time was unrealistic considering the different processes,

- 47% thought the whole process was bureaucratic.
- 5% said it was straightforward.

See **Chart 2** below

Chart 2 Application Process (out of 40 respondents)



A4.2 39 people had a viewpoint on the licence fee

- 97% of respondents thought the licence fee was too high,
- 3% said it was acceptable.

A5 Further Information

A5.1 31 individuals/groups suggested that the effect of the introduction of SIA licensing would be to deter many people from becoming door supervisors leading to a short fall of licensed personnel.

A5.2 12 mentioned that additional information was required about the appeals process.
28 respondents argued that enforcement would be difficult, however, it should be strong and active.

A5.3 5 respondents said the SIA should publish the Approved Contractor Scheme guidelines and such a scheme should be made compulsory.

Annex B

COMMENTS FROM KEY RESPONDENTS

Please note that the quotes listed below are direct quotes and have been catalogued in alphabetical order.

The Association of Chief Police Officers (ACPO)

"ACPO has always taken the view that regulation should be extended to cover any element of the private security industry whose work impacts on the public. The need for regulation also goes into areas where the private sector might seek to exploit once core areas are regulated and this is the case with companies, or individuals, who undertake the removal or immobilisation of cars as a trade. ACPO fully supports the extension of regulation to cover whatever activity those individuals engage in however they disguise it in an attempt to escape regulation. This would obviously include towing away. ACPO would not wish to see any loopholes develop which allows quasi-criminal activity to occur which through the inadequate drafting of legislation is found to be outside the control of the SIA."

The Association of Licensed Multiple Retails (ALMR)

"The consultation document makes no reference to any grandfather rights under the transitional regime. Whilst we acknowledge that the existing system of local authority licences and training standards within the industry are variable, we nevertheless believe that there should be some means of converting existing licence arrangements which offer an equivalent degree of protection to the proposed new licensing regime."

British Beer and Pub Association

"The Association believed that it was correct for all registered door staff to undergo checks on their identity, criminality and competencies. The checks should be kept as simple as possible for the applicant to undergo, to ensure that, as few people as possible are discouraged from applying.

However, the requirement to demonstrate that applicants meet the published criteria should not be made so onerous that people are discouraged from applying. The SIA should also ensure that the judgements used to ascertain criminality are appropriate.

Many licensees act as door supervisors on their own premises specifically to keep costs down. The majority of those licensees are likely to be unable to obtain a door supervisor's licence if they are required to undergo training, at a cost of up to £500.

The SIA should ensure that all operatives at its proposed call centre are fully trained and are able to deal with any queries.

The proposal to charge a licence fee even if the licence is not granted is extremely iniquitous and will only serve to reduce even further the number of people applying for a door supervisor's licence.

We would endorse the view that regulation should be extended to include the practice of towing away, for the simple reason that without this there will be a shift of emphasis to subvert the Act, with associated problems.

We suspect that the issue of criminality in these sectors will be particularly difficult due to the nature of the job, i.e. potential for physical intervention, and the traditional source of employees. This should not mean that there should be any 'watering down' of criteria, especially for drugs related offences, but that convictions for offences related to low level aggressive behaviours, which may be unacceptable elsewhere, may need to be considered. This should be done in consultation with the responsible sections of the industry, their customers, in-house facilities and the police."

British Security Industry Association (BSIA)

"If this situation (failure to qualify for a licence) is not handled in a sensitive manner it could lead to widespread criticism of the Authority and the possibility of a large amount of Employment Tribunal hearings. It is possible that employers will request the Government to consider some form of redundancy support payments or tax relief when faced with this problem whist at the same time having to recruit and train new staff at still further cost."

Control Risks Group Holdings Limited

"I note from the training programme that there is no time given to Conflict Management. This means that we are back to reasonable force. Door Staff have for years been accused of being over zealous with regards to assisting difficult or unwanted customers to the door. Left without guidance, one Door Supervisors reasonable force can be another Police officer or customers' assault. My view is that it is better to train door supervisors in a method of conflict management including removal, that is within legal boundaries, thereby preventing possible injury to the customer and unnecessary time/paper work for police officers."

Joint Security Industry Council (JSIC)

"Training on a modular basis would provide full flexibility, especially as many in the industry will work unsociable hours.

The application procedure also appears flexible although set targets for consideration may be better than approximations."

Justices' Clerks' Society

"The Justices' Clerks' Society supports the transitional arrangements with a relatively short period ending in Spring 2005 as this will provide more certainty and may also link with the second appointed day for the Licensing Act 2003."

Securicor Security Ltd

"We would like to see a tighter definition around the statement "The requirement to hold a licence will apply to ... managers and directors of companies." We note that the Security Industry Authority website provides a list of exemptions, but we feel that the exemption information should be presented as tasks and responsibilities rather than job titles to prevent any ambiguity concerning who will require a licence.

We are concerned that the criminality check has left areas that can be challenged by someone rejected by the process after having applied for a licence. We are concerned that the 'fine tune decision' option will result in a number of appeals that will cause a further burden to the Security Industry Authority. We suggest that the criminality check needs to be either 'accept' or 'reject' based on specific criteria."

South Wales Police

"I welcome many aspects of the new scheme such as a standardisation of training and the introduction of offence's individuals and security companies can commit. However, and in conclusion, I fear that recent hard-earned improvements in door staff management achieved in Cardiff will be undermined if these issues are not considered and hopefully addressed."

Thames Valley Police

"Whilst I acknowledge the difficulties in certainly the first topic with any subsequent challenge to the type and effectiveness of the restraint training etc, I am very conscious of the victim's family who made mention of whether or not door staff received any diversity / cultural inputs."

Transport and General Workers Union and GMB

"It is our belief that it is essential to create a fair market place in the industry, allowing good companies to compete on quality as well as price, which in turn will raise standards throughout the industry."

Annex C

RESPONDENTS TO THE CONSULTATION DOCUMENT ALPHABETICAL ORDER

1. Abdul Sidike	42. London Clamping Company
2. Ace Security Services	43. Meadowhall Shopping Centre
3. Active Risk Controls	44. MTB Scotland Ltd
4. Alert Security & Investigation Services S Counties	45. National Security Inspectorate
	46. Nick Harris
5. Alpha-Omega Securities Limited	47. Niton Training 2001 Limited
6. Association of Chief Police Officers	48. North Cornwall District Council
7. Banner Check Ltd	49. Northumberland County Council
8. Black Badge	50. Nyx Technologies
9. Blackpool Borough Council	51. Pete Maunder
10. Bridgegate Security Ltd	52. Peterborough Council
11. British Beer and Pub Association	53. Peter Kirkham

12. British Parking Association
13. British Security Industry Association
14. Bryan Taylor
15. Business in Sport and Leisure
16. Canary Wharf Management Limited
17. Castle Security Services
18. Combined Security (Liverpool)
19. Constant Security Services Limited
20. Control Risks Groups Holdings Ltd
21. Cornwall & Isle of Scilly Health Community Security
22. Department of Environmental Services (Corporation of London)
23. Department for Constitutional Affairs
24. Eastbay Ltd and Cleethorpes Pubwatch Scheme
25. Edbro Plc
26. Edgehill (education)
27. Essex & Suffolk Water
28. Fareham College
29. GJK Defence Systems
30. GMB
31. Guards
32. Ian Johnson Associates Limited
33. International Institute of Security
34. Ipswich Borough Council
35. Jimmy Pape
36. Joint Security Industry Council
37. Julie Brinkworth
38. Kingfisher Shopping Centre
39. Lee Oliver
40. Lennons Inns Limited
41. London Chamber of Commerce And Industry
54. Phil Lautman
55. Phoenix Security UK Limited
56. RAC Foundation for Motoring Ltd
57. Regency Security Services Ltd (Midlands/Sth Cities)
58. Restormel Borough Council in Cornwall
59. Risk Assessment Solutions
60. Rob Crawford
61. Rock Steady Security Limited (Edinburgh)
62. Ronin Training Services (South Africa)
63. Royal Berkshire Hospital Trust
64. Sapphire Security (SW) Ltd
65. Scottish and Newcastle Retails
66. Securicor Security Ltd
67. Simply Self Defence Ltd
68. South Wales Police
69. Specialized Security Ltd
70. Strand Palace Hotel
71. Thames Valley Police
72. Terry Lewis-Clarke
73. The Association of Licensed Multiple Retailers
74. The CCTV User Group
75. The Dartington Hall Trust
76. The Big Security Company Limited
77. The Dungeon Club Ltd
78. The Industry Nationwide Security Services
79. The Justices' Clerks' Society
80. The NEC Group
81. Transport and General Workers Union
82. Upfront Security (Scotland)
83. University of Oxford

Home Office

Security Industry Authority

SIA RESPONSES TO COMMENTS MADE DURING THE REGULATORY IMPACT ASSESSMENT CONSULTATION PHASE

January 2004

REGULATIONS TO IMPLEMENT
THE PRIVATE SECURITY INDUSTRY ACT 2001
IN RESPECT OF DOOR SUPERVISORS AND VEHICLE IMMOBILISERS

Security Industry Authority
4th floor
50 Broadway
London
SW1H 0SA

Tel. No. 020 7227 3629

Fax No. 020 7227 3601

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The consultation phase of the Regulatory Impact Assessment (RIA) exercise ended on 13 October. Eighty-three responses were received by the Home Office (contrast 19,000+ hits on document on the SIA website).
The key questions asked related to the extension of wheel clamping licensing to cover towing away (not dealt with here); and the level of the licensing criteria. On the latter, respondents were roughly equally divided between those who thought the criteria were too harsh, too lax, or about right. The SIA Policy team and the Home Office have agreed on the analysis of these responses at the macro level, ie that none of our proposed licensing criteria needs changing as a result.

Consideration – Key issues raised and SIA responses

The comments are grouped around 6 subject areas:

- Definitional issues
- Criminality issues
- Competency issues
- Communication issues
- Enforcement issues
- Other issues

Definitional issues

1) Fine tune decision: the use of this phrase in the criminality criterion grid is unclear and could put individuals off applying.

Response: It is accepted that the phrase might be unclear (even though its meaning was explained in the RIA document). The phrase was a convenient label but is not significant. The criminal profiles to which the phrase was applied are those where a relatively borderline decision might be reached, and hence more information is to be used in reaching the final determination. We are therefore now describing these relevant categories as areas where we need to "consider additional evidence". (The evidence in question being the criminal record profile in its entirety, sentence lengths etc).

2) Validity of licence: still some confusion over the precise arrangements that will apply. Will it operate on the principle of the driving licence, where you add groups and categories as you qualify, with a single renewal date, or will it be a series of standalone licences, where they are renewed on their 3 year anniversary ?.

Response: There will be separate standalone SIA licences for each of the licensable sectors with a 3 year validity period. Therefore, multiple licence applicants will receive individual separate SIA licences for each sector that they successfully apply for.

3) Grandfather rights: requires further explanation.

Response: "Grandfather rights" per se are not recognised by the SIA. The only exemptions from our licensing requirements are for individuals who have undertaken relevant pre-existing training courses approved by the awarding bodies. The default position is that all applicants have to show that they are a fit and proper and prove competency. There are no bonus points just for having worked in the industry for a certain period of time.

4) Premises open to the public: what is meant by this term? Can the term be applied generically or specifically? For example, is a ticket only event where the public can purchase either at the door or through agents' public or private?

Response: The PSIA 2001 schedule 2 Para 8(4) deals with the issue of "premises open to the public". Para 8(4) specifically says that for these purposes "the public" means club members or some other pre-selected sub-set. Therefore, the term can be applied generically. For example, student only bars (if requiring or having the appropriate licence) are not exempt from SIA licensing requirements: if the activities taking place there are "guarding" activities then they are door supervisor activities by virtue of the nature of the premises. A ticket only event where the public can purchase either at the door or through agents is a public event as it is open to a class or sub-set of the general public.

5) Requirement to hold a licence: should be presented as tasks and responsibilities rather than job titles to prevent any ambiguity concerning who requires a licence.

Response: It is a key SIA message that it is what you do, not what you are called, that determines whether or not you are licensable. This message will continue to be reinforced in our communications to all stakeholders.

6) Safety Stewards: SIA has not clarified this definition for leisure, music, and sporting events as these individuals provide almost identical service to door supervisors.

Response: Where stewards provide security services as defined, they are licensable. The SIA is presently in consultation with industry stakeholders such as United Kingdom Crowd Management Association (UKCMA), promoters of entertainment venues and live shows and are in the process of contacting the FA to alert them to the requirements that safety stewards may need to be appropriately licensed.

Criminality Issues

7) Warnings: is it appropriate to include 'warnings' as part of the criminality criterion?

Response: A warning is one of a number of disposals available to the authorities for dealing with criminal offences committed by juveniles, and is at the lighter end of the scale of disposals. Any punishment can be argued as relevant, given that it raises doubts as to the applicant's honesty and trustworthiness a warning is nonetheless an admission of guilt and our view is that it is appropriate to consider relevant offences regardless of their mode of disposal if they fall within the crucial minimum periods (2 years for significant offences, 5 years for serious offences). Ignoring warnings within these periods would alter significantly the impact of our licensing regime. We are already weighing the lightness of warnings as disposals in our decision making, since a

licence applicant whose CRB check places those in the "consider additional factors" category would be in a more advantageous position to gain a licence where only warnings are on the record.

8) Fine tune decision: individuals should be allowed to appeal against 'fine tune' decisions.

Response: SIA licensing decisions can be appealed against to the Magistrates courts.

Competency issues

9) Physical restraint techniques: the SIA should consider including them as a competence requirement.

Response: The core training modules are based on giving a student door supervisor the essential framework of fundamental knowledge and understanding of the work of a door supervisor. Physical restraint techniques have not been ruled out from being introduced at a future date but are presently viewed as not being a core essential skill requirement. There are currently over 20 different varieties of training in this area used by the police, prison service and other organisations and no single recognised national standard of training in physical restraint techniques exists at the moment. Training in this area requires regular refresher courses usually every year and litigation is prominent where door supervisors have been charged with criminal offences where they have harmed a member of the general public through physical intervention. It is the responsibility of the employer to assess whether under the Health and Safety at Work Act their employees need this particular type of training. The basic skills of refusing door entry and dealing with verbal abuse are sufficiently covered in the conflict management module. Furthermore, we do not want to endorse one or more physical restraint technique training course which could possibly lead to us being sued or involved in litigation for personal injuries (vicarious liability) suffered by a customer at the hands of a door supervisor licensed by us.

10) Fire safety and diversity training: the SIA should consider including them as a competence requirement.

Response: The door supervisor training course will cover the module "emergency procedures" which will include dealing with fire safety, the use of fire extinguishers and evacuation procedures in a fire. Diversity training will be provided through the "equal opportunities" module where student door supervisors will learn about equal opportunities, prejudice and stereotyping. Also, the relevance of the Race Relations Act, Sex Discrimination Act and Disability Discrimination Act to the work of a door supervisor and there enforcement is covered in this module.

11) Directors and managers: explain who will require training.

Response: All directors and managers carrying out frontline licensable activities and coming into direct contact with the general public will need to undertake competency training to apply for any type of frontline licence. At the current time applicant's applying for the non-frontline director's or manager's licence will not need to undertake competency training but just pass the identity and criminal check.

12) part-time door supervisors: **door supervisors working part-time will have difficulty attending courses if they are already working in another full-time job.**

Response: Training providers will be able to provide the courses over a period of 4 days or during weekends and/or evenings and attendance does not have to be undertaken concurrently. This modularised system is designed to ease the process for people who already work in the industry, or have other jobs or commitments and will make undertaking the course easier and more practical.

13) Modular training: what form will it take? Should be different for new and existing employees.

Response: The SIA qualification for door supervisors will involve training in two parts with exams at the end. The course can be delivered over 4 days or during weekends and/or evenings and attendance does not have to be undertaken concurrently. This is to ease the process for people who already work in the industry, or have other jobs or commitments. Course timetables and teaching structure have to be checked through the individual approved training providers. The total training time will be a minimum of 30 hours including the exams. New employees will need to attend the entire course while existing employees with pre-existing relevant qualifications and training may be completely or partially exempted from parts of the training course (this they need to check with the awarding bodies). For example, an applicant holding the British Institute of Innkeeping Awarding Body (BIIAB) parts 1 and 2 in door supervision would be totally exempted from needing further training if this course has been taken in the last 3 years.

Communication Issues

14) Small training providers not being given information: feel they are being elbowed out of the industry.

Response: The SIA has an extensive on-going communications campaign to prepare the industry for licensing. It has used a wide variety of communications tools in order to disseminate all the information to as many training providers, large and small in size, to prepare them for running the courses in order to meet the expected demand for door supervisor training. It is unrealistic to imagine that we can talk directly to every individual, company and person affected by the licensing regime.

15) Transition: need to ensure all local authorities are aware of arrangements. They should issue temporary licences if there is a short gap until the SIA licence comes into force.

Response: The SIA has a comprehensive on-going communications campaign to prepare the local authorities for the new licensing regime. It has used a wide variety of communications tools in order to disseminate relevant information within England and Wales. This has included detailed consultation exercises to help local authorities prepare for the switch over from local to centralised licensing, including questions of varying the lengths of their licences if need be.

16) Individual/self employed door supervisors are not being represented

Response: It is unrealistic to expect that we can talk and discuss directly to every individual, company and person affected by the licensing regime. However, we have endeavoured to consult a range of stakeholders big and small including individuals and self employed door supervisors when drawing up the criteria for licensing this sector.

17) Spell out requirements on bar staff that do door supervising at special events

Response: The SIA has extensively communicated to those that will be affected by the licensing regime that it does not matter by what job title you are called but whether the duties, work or role you perform is licensable. That it is not your job title that counts; it is the work that you do that may be licensable. The SIA has an extensive on-going communications campaign to prepare the industry, and in particular the door supervisor sector, for licensing.

18) In-door security guards often clamp as well – guidelines need to be clear.

Response: Published SIA literature and information disseminated to the general public has been clear in driving home what is and is not a licensable activity. We have issued clear advice and guidance that in-house security guards carrying out wheel clamping duties will need an SIA wheel clamping licence.

Enforcement

19) Enforcement: this issue needs greater clarification, as the SIA will not be a prosecuting agency so such matters will presumably fall to the police.

Response: Our compliance strategy details our partnership approach with other law enforcement agencies. Where local authorities and police are involved in enforcing the Licensing Act, they may come across SIA offences which they can choose to take account of if prosecuting the premises holder or individuals carrying on licensable activity without an SIA licence.

We are currently exploring our own prosecution options, which may be either through the CPS, private or in-house solicitors. We will have prosecution capability from the time we commence licensing enforcement.

Other issues

20) Applicants paying for training but failing the criminality check: no refund of fee.

Response: It is the responsibility of the applicant to make sure that they have the ability to pass the SIA criminality check and have the necessary training and qualifications to apply for a licence. This risk assessment is for the individual to undertake and the onus is for them to be knowledgeable of all the necessary requirements before applying for a licence. If an applicant fails to obtain a licence because of failing the criminality check

having obtained the necessary qualifications at expense to themselves then that is a risk they have to accept. Additionally, the criminality calculator on the SIA website will assist potential applicants' by giving them an indication of the result if they have criminal offences on record. The default position of the SIA is that it does not accept ignorance as an excuse.

21) Appeals: We need to agree a format, determine how this is expected to work and assess what impact it is likely to have on other areas e.g. compensation, tribunals etc.

Response: Work is currently under way on appeals and related matters.

22) Security providers should be allowed to apply for a multiple task licence.

Response: We are in continuous dialogue with stakeholders and industry bodies about methods which can be used to raise standards within the private security industry. The proposed voluntary approved contractor scheme (ACS) will benefit commercial companies and members of the public who will be able to identify companies which have been assessed to published standards and approved to appropriate criteria. We are presently holding consultations and discussions with key stakeholders and examining the best of existing approval systems in order to determine our approach. The criterion and standards that security firms will need to meet to obtain Approved Contractor Status across the different licensable sectors is being drawn up. Each sector will have its own published criterion. We expect that the majority of reputable companies will want to seek approval.