

Property owners warned to beware of breaching rules on security staff

Submitted by: Dabbs PR & Marketing

Thursday, 30 April 2009

Press enquiries to Sam Dabbs on 07711 672893 or sam@dabbsprm.com

Property owners, retailers, banks and leisure operators who use security staff should beware of falling foul of the licensing regulations, says law firm DWF. The warning follows a clampdown by the Security Industry Association (SIA), the industry regulator, on those employing unlicensed staff.

DWF says while most businesses are aware that 'bouncers' and other frontline security staff require a licence, they may not realise that the rules can also apply to those behind the scenes, such as people monitoring security cameras or even providing keyholder services.

The SIA was established by the Private Security Industry Act 2001 following widespread concerns about rogue security companies. Its purpose is to maintain standards in the industry and license individuals working in it.

It has the power to prosecute those employing unlicensed staff. In one case last year the security firm Securiplan was ordered to pay fines and costs totaling £550,000, indicating the size of penalties that can be imposed. The SIA has also staged dawn raids on shopping centres and other locations.

Rupert Nevin, a regulatory law partner with DWF, says the rules about licences are not always straightforward. "In-house security guards – those directly employed by operators – are meant to be exempt from the rules," he explains.

"However what is and is not in-house security is not always clear, particularly where complex property owning and managing structures are in place. SIA's stance seems to be that if security staff are on site or if CCTV monitoring is being undertaken, those activities require a licence unless someone proves otherwise.

"The law also requires anyone controlling access or keeping custody of a building to have a key holding licence. Potentially a concierge service provided by a landlord to a tenant, a hotel or car parking service could fall within this category.

"Whether or not a person needs a licence is not determined by the job description but by the type of activity they undertake. So for example, a receptionist may need one if they protect the premises, whether or not their contract refers to a security role.

"If an individual requires a licence then anyone who manages that person will also require one, as will directors of the company that employs them and any associated company. For organisations with complex group structures or off-shore holding companies, this could be costly and time-consuming."

Rupert Nevin says companies which are concerned they may be breaching the rules should take legal advice. "Cynics might suggest that, as the SIA gains licensing fees from registrations, it is in its interests to licence as many people as possible," he says.

“Given the potential high penalties, it is worth taking professional advice on your company’s position. Many people will balk at the cost of licensing, and the additional costs of training and compliance, but it may be that some relatively simple steps such as rearranging duties could avoid all the red tape and help protect you from prosecution.”

ENDS

Notes to editors:

DWF LLP is one of the fastest growing law firms in the UK. With over 980 people based in Leeds, Liverpool, London, Manchester and Preston, DWF provides a range of services grouped under the following practice areas:

- Corporate
- Banking & Finance
- Business Recovery
- Litigation
- Real Estate
- People
- Insurance
- Private Client

DWF has developed extensive sector-specific expertise in a number of areas including: automotive, education, retail & leisure, legal expenses and food and resourcing. Further information on DWF is available via www.dwf.co.uk.

Media enquiries to:

Sam Dabbs
Dabbs PR & Marketing
T: 01939 210503 or 07711 672893
E: sam@dabbsprm.com