

AWEW/mjc/NSI 008/15

19 March 2015

**To: All NSI ARC Gold approved companies and applicant companies**

Dear Colleague

### **SIA LICENSING OF INDIVIDUALS AT ALARM RECEIVING CENTRES**

We are writing to provide you with updated information about Security Industry Authority (SIA) licensing of individuals at an Alarm Receiving Centre (ARC)<sup>1</sup> in relation to the Private Security Industry Act 2001<sup>2</sup>. To quote from the SIA website:

*You may require a licence if you are employed to monitor alarms and your services are supplied to a third party as part of a contract for services. Whether you do require a licence depends on the nature of your role.*

- **You need a licence if:** when an alarm comes in your role requires you to monitor the situation for *guarding purposes* via electronic means (whether visual or otherwise) and assess what is happening to determine what action needs to be taken. This monitoring could also be to provide information about what has happened.
- **You do not need a licence if:** when an alarm comes in you simply refer the matter to the emergency services, a private response service or a keyholder.

Annex A attached to this letter gives information about manned guarding relevant to 'guarding purposes' taken from the SIA website. We draw your attention to the paragraph referring to carrying out any form of patrol or surveillance, as to deter or otherwise discourage something from happening or to provide information, if it happens, about what has happened.

Annex B gives further information relating to the licensing of individuals and was confirmed in writing by the SIA to the Fire and Security Association (FSA) last year.

We ask you to review your position please with regard to SIA licensing of individuals based on this latest information. If you are in doubt about whether individuals need to be licensed you should contact the SIA and/or you should seek independent legal advice.

Yours sincerely

  
**Tony Weeks**  
Head of Technical Services

<sup>1</sup> <http://www.sia.homeoffice.gov.uk/Pages/licensing-alarms.aspx>

<sup>2</sup> [www.legislation.gov.uk/ukpga/2001/12/schedule/2](http://www.legislation.gov.uk/ukpga/2001/12/schedule/2)

## ANNEX A

### INFORMATION ABOUT MANNED GUARDING ON THE SIA WEBSITE

**Manned guarding activity includes any of the following:**

- a. **guarding premises against unauthorised access or occupation, against outbreaks of disorder or against damage;**
- b. **guarding property against destruction or damage, against being stolen or against being otherwise dishonestly taken or obtained;**
- c. **guarding one or more individuals against assault or against injuries that might be suffered in consequence of the unlawful conduct of others.**

All of the above includes providing a physical presence, or carrying out any form of patrol or surveillance, as to deter or otherwise discourage it from happening or to provide information, if it happens, about what has happened.

References to guarding premises against unauthorised access include being wholly or partly responsible for determining the suitability for admission to the premises of persons applying for admission. However, this does not include the activities of a person who exercises control over the persons allowed access to any premises to the extent only of securing, or checking, that persons allowed access have paid for admission or have invitations or passes allowing admission.

#### **Exemptions**

The manned guarding activities above do not apply to the activities of a person who, incidental to the carrying out of any activities in relation to a group of individuals which are neither manned guarding activities or checking that persons allowed access have paid etc (as above), maintains order or discipline amongst those individuals. An example might be a school teacher accompanying children on an outing.

The manned guarding activities which require a licence do not apply to the activities of a person who, incidental to the carrying out of activities which are not wholly or mainly the activities of a security operative, responds to a sudden or unexpected occurrence.

Exemption from licensing (in England and Wales only) applies to in-house employees when carrying out duties in connection with their employer's use of a certified sports ground or certified sports stand for purposes for which its safety certificate has effect. Employees of a visiting team to such premises are also exempt provided that the visiting team has a certified sports ground or stand. For a more precise description of the exemption see Section 4(6) to 4(12) of the Private Security Industry Act 2001 as amended and the explanatory notes to section 63 of the Violent Crime Reduction Act 2006.

There are certain exclusions mentioned within the Private Security Industry Act 2001. The Act should be referred to for full details of when a licence is not required.

## ANNEX B

### FURTHER INFORMATION ABOUT SIA LICENSING OF INDIVIDUALS

The following information (in italics) was confirmed in writing to FSA by the SIA:

*If a person uses CCTV to monitor the activities of the public or to identify a particular person, and they are doing so for the purposes of one of the “manned guarding” definitions in Schedule 2 of the Private Security Industry Act 2001\*\*, then they require an individual licence (only when that activity is carried out in relation to a contract with a customer). The type of licence they may require (CCTV or Security Guard) will depend on why they are carrying out the activity. This can be summarised as:*

- *Using CCTV to guard premises against unauthorised access or occupation = identifying a trespasser = Security Guard licence required;*
- *Using CCTV to guard property against destruction or damage = protecting property = Security Guard licence;*
- *Using CCTV to guard property against being stolen or otherwise dishonestly taken or obtained = protecting property = Security Guard licence;*
- *Using CCTV to guard premises against outbreaks of disorder = not just identifying a trespasser or protecting property = PSS (CCTV) licence required;*
- *Using CCTV to guard one or more individuals against assault or injuries = not just identifying a trespasser or protecting property = PSS (CCTV) licence.*

*The above can be illustrated with two examples of activity involving CCTV:*

1. *A professional CCTV operator who works in a purpose-built CCTV control room, and (for example) views images of a town centre on a Saturday night. The person monitors for disorder and reports any disturbances to the local police, who then respond. In line with the definitions above, this individual would require a PSS (CCTV) licence.*
2. *A security guard who works night shifts at commercial premises.*

*This person’s main job involves patrolling and physical guarding, but this person also has a CCTV screen at their desk that shows images of the site perimeter. The person keeps an eye on the screen to watch out for anyone who might trespass onto the site in order to steal or damage equipment. In line with the information above, this individual would only require a Security Guard licence.*



Security.Improved

## ANNEX B - Continued

*A person who carries out CCTV activity that falls under Security Guard licensing would also be licensed for that CCTV activity if they hold a PSS (CCTV) licence. They would not require an additional (SG) licence.*

*Some ARCs monitor only Intruder systems designed for 'visual verification', to confirm an intruder alarm signal and hold up alarm. This may comprise a still picture or short video of pre-alarm, alarm, and post-alarm, which is automatically sent to the ARC. The operator decides whether to advise the police about the activation (to reduce false alarms being passed directly to the police). Whether this activity is also licensable hinges on whether "surveillance" is being carried out. If the individual in question is using a type of surveillance to guard against unauthorised access, theft or damage (\*\*note that "guarding against" includes providing information about what has already happened) then an SG licence is required.*

*However, if an individual simply responds to an alarm/message by automatically referring the matter to the emergency services, a private response service or a key holder, then this would not appear to be "surveillance" as there is no observation (visual or otherwise) or monitoring/assessment of the situation that amounts to "surveillance".*

*For example, viewing a monitor to check or show it works is not a licensable activity, since the function of this activity is not to use the CCTV for guarding purposes. So if a business only designs, installs and maintains CCTV systems, for example (but plays no role in employing or providing individuals to carry out CCTV monitoring activity) they will not require a security business licence.*

Note: The last paragraph relates also to SIA business licensing, which has not been introduced.