

Security gets its act together

The guarding of construction sites is now subject to a new regulatory regime designed to ensure that security guards are properly trained and that the criminal element is pushed out of the security industry

By Julian Bailey
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The guarding of construction sites is now subject to a new regulatory regime in the form of the Private Security Industry Act 2001 ("the Act"). The Act has been on the statute books for some four years, and regulations have been rolled out gradually over that period.

The Act is targeted at security services and similar services in six industry sectors, including private investigators, door security at pubs and clubs, wheel clampers, and, importantly, the provision of security services for the protection of private property. This will include the guarding of construction sites, both on a day-to-day basis and in extraordinary cases such as where a site has been picketed.

In short, the Act requires that persons carrying out the role of security guards be licensed with a statutory body created by the Act, the Security Industry Authority ('the SIA'). The SIA issues two types of licence: the first is a 'front line licence', for those who carry out security operations on the ground, and the second is a 'non-front line licence', which is essentially for persons or organisations who manage or control the carrying out of front-line activities.

Under the Act, licences are required for both activities. The licensing requirements of the Act are not in full force at present for security guards, as the new licensing regime is in the process of being rolled out, and security operators have a window until March 2006 to become familiar with the regulatory regime, and to obtain the appropriate licences.

The twin objectives of the licensing regime are to ensure that security guards are properly trained, and to ensure that the criminal element is pushed out of the security industry. Criminal background checks are conducted on applicants for security licences.

From a construction company's perspective, the regulatory regime should not, in the main, have a significant impact on operations. In-house security guards are not required to be licensed. But where an external company is engaged to provide security services, in guarding construction sites, the external operator will need to be licensed with the SIA.

When external parties are engaged, they may be requested to produce evidence that they are appropriately licensed. In addition, the SIA maintains an on-line register of security operatives (<http://www.the-sia.org.uk>) so checks can be made by construction clients as to whether the security firm they are dealing with is properly licensed. The SIA also proposes to operate an Approved Contractor Scheme, which will be a voluntary scheme allowing security companies to trade as accredited organisations.

It is not necessary for construction companies to conduct licensing or accreditation checks: the onus of ensuring that a security operator is properly licensed falls on the operator itself, not the client. But if the security operator is not properly licensed, and the client knows this to be the case, there could be criminal implications: it is an offence for a security operative to carry out regulated security services without a licence, and if a client is aware of this, and sufficiently involved in the unlicensed behaviour, the client, too, could be held liable as an accessory to a crime. In more serious cases, this can lead to imprisonment, a fine, or both.

If the Act and its regulations succeed in their objective, the security industry, and its operations across a number of sectors, will deliver a better service to clients, including construction clients, and keep undesirables out of the security business. It would appear that the days of the hired goon are numbered.

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