



Northern
Ireland
Office

Regulating the Private Security Industry in Northern Ireland

A Consultation Paper

August 2006

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Foreword

The private security sector is one which many of us rely upon for our personal safety, or for the security of our property, business or possessions. The industry is growing steadily, and with the increasing economic activity and tourism that Northern Ireland is currently enjoying, it is clear that the private security industry will continue to expand in parallel.



Yet, due to the absence of a thorough and permanent regulatory framework in Northern Ireland, in recent years this important and growing industry has been infiltrated by some unscrupulous operators who have exploited the potential for profit either for their own personal gain, or for the gain of paramilitary organisations. Quality of service in sensitive areas where public trust, confidence and indeed safety are of paramount importance has frequently been disregarded.

That is the main reason why I have decided to undertake a thorough review of the private security industry in Northern Ireland, and explore the various options available for regulation. I hope that a robust regulatory framework will be welcomed not only by the public, the PSNI and others who avail of security services, but by the industry itself.

I am therefore pleased to issue this paper for public consultation and look forward to receiving the views of all interested parties.

PAUL GOGGINS MP
Parliamentary Under Secretary of State for Northern Ireland

Introduction

This consultation paper discusses options for the future regulation of the private security industry in Northern Ireland. It is paramount that the chosen method of future regulation addresses the needs of the industry whilst also taking into account the views of the PSNI, the local authorities and the public.

Consultation

2. This document is being circulated to organisations representing the private security industry, political parties, relevant local authority organisations, and a wide variety of other organisations with an interest in or who avail of private security services. It is also available on the Northern Ireland Office website (www.nio.gov.uk). A limited number of hard copies are available from the address below.

3. The Government welcomes responses from organisations and individuals. The consultation paper includes the results of the Equality Screening of these proposals and, in line with the Department's Equality Scheme, we would be grateful for comments on this. The consultation paper also includes a Regulatory Impact Assessment (see below). Please respond by **24 October 2006** to:

In writing: Private Security Industry Consultation
Northern Ireland Office
Room B.4.12
Castle Buildings
Stormont Estate
Belfast
BT4 3SB

By email: spob@nics.gov.uk

By fax: 028 9052 7807

Better Regulation Agenda

4. A key element of the Government's Better Regulation Agenda is to avoid placing new unnecessary burdens on business, or removing them where they already exist. It is also intended that, where regulation is justified, any regulatory body involved in the administration of that regulation should adopt a proportionate and risk-based approach to enforcement and compliance.

5. The aim of the Regulatory Impact Assessment (incorporated in this consultation paper) is to ensure that the right level of protection or control is put in place to achieve the desired outcome with the minimum of Government interference. In that context, this consultation paper sets out a range of options that the Government has been considering, and now seeks the views of as many stakeholders as possible on the preferred option before beginning implementation.

Background

6. The private security industry in Northern Ireland is currently regulated under the provisions of Schedule 13 to the Terrorism Act 2000. Part VII of the Act contains the temporary provisions relating to Northern Ireland; these are due to be repealed by 31 July 2007 as part of the security normalisation programme announced last year. Schedule 13 is one of those temporary provisions.

7. A firm wishing to provide a “security service” must make application to the Northern Ireland Office for a licence. The Schedule defines “security services” as the services of one or more individuals as security guards (whether or not provided together with other services relating to the protection of property or persons). The grant of the licence is contingent upon the directors, partners or the sole trader satisfying the Secretary of State that a proscribed organisation, or an organisation closely associated with a proscribed organisation, would not benefit from the granting of a licence, whether directly or indirectly, financially or otherwise¹.

8. When an application is made to the NIO, a counter-terrorist check is carried out on the directors, partners or controllers of the firm. No check is carried out on employees. This method initially worked well but has recently proven less satisfactory in preventing the exploitation of the industry.

9. The arrangements in Schedule 13 are designed to stop paramilitary organisations exploiting and financially benefiting from the private security industry either directly or indirectly, financially or otherwise. The industry is particularly vulnerable to penetration by paramilitaries because of low barriers of entry to those wishing to provide a private security service. There have been examples in Northern Ireland of private security services being subverted to act as a cover for criminality, for example, the provision of security guards to provide cover for running a ‘protection racket’.

Drivers for change

Weakness of the current system

¹ Paragraph 7 of Schedule 13 to the Terrorism Act 2000.

10. It has become apparent that Schedule 13 is not working effectively and does not promote best practice. For instance, there are no set criteria relating to vetting for convictions, professional standards or levels of training. This is the reason for such ease of entry into the industry, allowing unscrupulous and untrained individuals to operate within it. This creates a potential for the industry to be used as a vehicle for extortion, compromising the health and safety of those making use of the private security service.

11. This can disadvantage good employers who bear higher costs from training and employing high quality staff, which must be met somehow, normally by passing these costs on to the customer.

Developments in other jurisdictions

12. The Private Security Industry Act was passed in 2001 and under this legislation the Security Industry Authority (SIA – www.the-sia.org.uk) was established to permanently regulate the industry in England and Wales (and from November 2007, Scotland). Following permanent regulation elsewhere in the UK and Ireland, Northern Ireland companies find themselves on an unequal footing with the rest of the industry in the UK because the same rigorous standards established by the Private Security Industry Act 2001 are not applied or enforced by Schedule 13. This creates difficulties for companies wishing to operate on a UK-wide basis and prevents Northern Ireland companies from competing outside this jurisdiction.

Recommendations by the IMC and NIAC

13. The Fifth Report of the Independent Monitoring Commission² stated that there was direct evidence of paramilitary involvement in the private security industry in Northern Ireland, resulting in many firms suffering from extortion. They stated that the current, temporary control regime in Northern Ireland was “less stringent” than the regime in England, Wales and Scotland, and was insufficient in preventing paramilitary infiltration into the industry.

14. In their recent report into organised crime³, the Northern Ireland Affairs Committee (NIAC) has identified the potential for exploitation of the industry by paramilitaries and organised criminals. It recommended that the area of regulation of the private security industry in Northern Ireland be dealt with as a matter of priority. It also identified the need for appropriate training and registration of door supervisors, and noted the problems with the form of self-regulation that is encouraged by some, but not all, councils throughout Northern Ireland.

Security Normalisation

² See paragraphs 6.11, 6.12 and 6.13 of the Fifth Report of the Independent Monitoring Commission (HC46) which was laid before Parliament on 24 May 2005.

³ See paragraphs 201-203 of the House of Commons Northern Ireland Affairs Third Report of Session 2005-06, Organised Crime in Northern Ireland (HC 886-II), published 5 July 2006.

15. Under the security normalisation agenda announced by the Secretary of State on 1 August 2005, Part VII of the Terrorism Act 2000 is to be repealed by 31 July 2007, subject to an enabling environment. In the absence of a permanent regulatory framework by 31 July 2007, the private security industry in Northern Ireland would be left completely unregulated. There would be no barriers at all to entry into the industry.

Rationale for Government intervention

16. To do nothing after the current provisions have expired risks encouraging criminal activity within the industry. An industry without adequate regulation would become inviting to those wishing to exploit it, making it a target industry for extortion and bad practice. Furthermore, a threat is presented to public safety if those operating as door supervisors are not appropriately trained in relevant areas, such as first aid or drugs awareness. Self-regulation of companies seems insufficient to tackle these issues.

Objectives

17. Ideally, permanent regulation of the private security industry would:

- increase public safety and confidence in the industry;
- promote best practice within the industry and remove those who seek to use their position to pursue criminal activities;
- raise standards of competence and professionalism for security companies;
- improve the reputation of the industry;
- protect and recognise companies and individuals who do operate to high standards and who have invested in training and selective recruitment;
- specify minimum levels of training for security personnel; and
- make the industry an attractive career choice.

18. We aim to achieve these benefits of regulation by:

- ensuring a thorough but efficient administrative structure is in place to oversee the process of regulation;
- providing a robust regulatory framework for the future;
- ensuring that the financial burden on the industry is kept to a minimum by choosing a form of regulation which is good value for money; and
- ensuring early awareness and implementation of the new form of regulation.

Options for Regulation

19. When considering future regulation of the industry, the Government has examined four particular options, summarised below.

Option 1: Do nothing

Proposal

20. No new legislation to regulate the industry would be introduced to replace the current provisions contained in Schedule 13. The onus would be on companies to adopt a self-regulation policy.

Analysis

21. We do not think self-regulation would achieve the objectives set out above. A scheme established four years ago by the Federation of Retail and Licensed Trade and British Inn-keeping Institute provided training and registration for door supervisors, and aimed to work with local councils. Disappointingly, many councils were not interested in this scheme and trainees were reluctant to register.

Conclusion

22. To do nothing risks leaving the industry open to criminal activity. It would become inviting to those wishing to exploit it, and without any form of regulation would become a target industry for extortion. This could create a risk to public safety.

23. Self-regulation seems insufficient, particularly as it will not achieve the objectives the Government has set out. The “do nothing” option was considered insufficient in the rest of the UK and Ireland. Following permanent regulation in the rest of the UK and Ireland, failure to regulate in Northern Ireland could send the wrong signal that it was a “safe haven” for unacceptable practice.

Option 2: Create a permanent version of Schedule 13

Proposal

24. Legislation would be drafted to put the current provisions contained in Schedule 13 on a permanent footing. No changes would be made to the original legislation and the situation and position of the industry would essentially remain unchanged from current arrangements. The NIO would continue to grant licences to applicants who satisfy the criteria that a proscribed organisation, or an organisation closely associated with a proscribed organisation, would not benefit from the granting of a licence.

Analysis

25. Schedule 13 does not address best practice issues such as specifying levels of training of individuals working in the industry. Nor does it require a

criminal conviction check which could render an applicant unsuitable for the job (for example, an applicant with a conviction for grievous bodily harm applying for a licence). These are the very areas which would seem to benefit from regulation.

Conclusion

26. Putting Schedule 13 on a permanent footing without addressing its current problems and failures would seem to be an ineffective solution.

Option 3: Extend the remit of the SIA to Northern Ireland

Proposal

27. A system of regulation similar or identical to that which exists in England and Wales would be adopted.

Detail

28. The Security Industry Authority (SIA) is the governing body in England and Wales (and from November 2007, Scotland). It is the organisation responsible for regulating the private security industry according to the requirements set out by the Private Security Industry Act 2001, the legislation under which it was established.

29. The function of the SIA is to raise standards in the private security industry by appropriately regulating it through licensing individuals who work within it. This in turn helps to improve the industry's image so that the general public and the wider business world have a much clearer understanding of how the industry is regulated and who is entitled to work in it. They achieve this regulation by applying criteria such as minimum levels of competency and 'fit and proper' criteria and carrying out identity and criminal record checks on all applicants. The suitability of the applicant to work in the private security industry is assessed and they are granted or refused a licence, according to the defined criteria.

30. The SIA also operates a voluntary Approved Contractor Scheme (ACS). The function of the ACS is to raise (or maintain) standards of companies supplying private security services. A number of private security companies established in Northern Ireland have already expressed an interest in the scheme to the SIA.

31. The SIA regulate a number of sectors within the private security industry. The categories are broader than are currently regulated in Northern Ireland (manned guarding is currently the only licensed sector), but they all appear to be sectors that would benefit from regulation. These are:

- Door supervisors
- Vehicle immobilisers on private land
- Security guards

- Key holders
- Close protection operatives
- Cash and valuables in transit operatives
- CCTV (public space surveillance) operatives

32. It is an offence for someone working within a licensable sector to operate without a SIA licence; on summary conviction, the penalty is six months' imprisonment and/or a fine of up to £5000. It is also an offence to supply unlicensed security operatives with the above penalty but also on trial on indictment, there may be an unlimited fine and/or up to five years imprisonment.

Analysis

33. There are many advantages of using this option. In the main, individuals would require only one licence no matter where in the UK they worked, creating a consistency throughout the UK in terms of number of licences, licence conditions and training standards. It would also help to keep licence costs low. There would also be better and more consistent reinforcement of standards and codes, enabling local companies to compete on equal terms with the rest of the UK and Ireland.

34. When the SIA are considering whether or not to grant a licence, they take the date and the nature of any criminal offences into consideration. This means that someone with a past criminal conviction is not necessarily excluded from working in the industry. This ensures that the public are protected while allowing for the rehabilitation of those who have put criminal activities behind them.

35. Significant preparatory work would be required before implementation to ensure that the industry was well aware of and ready for the changes that SIA regulation would bring about. The industry would require enough notice in order to start training staff and apply for licences, so it would be expected that the application for licences would not commence immediately. All sectors as detailed above would be licensable, and implementation would need to be phased to allow priority sectors to be licensed first. This would mean that applications for manned guarding and door supervising would be received first, with other sectors to follow at later dates.

Conclusion

36. This option appears to be the most efficient, cost-effective and satisfactory form of regulation in Northern Ireland. The advantages outweigh the caveats and by using the SIA as the regulating body, standards are automatically made equal throughout the UK. This will have a positive knock-on effect on the economy in Northern Ireland.

Option 4: Set up a dedicated Northern Ireland Agency

Proposal

37. The establishment of a dedicated private security agency in Northern Ireland to govern and set standards among the industry.

Analysis

38. The Agency would have an authoritative role similar to the SIA and would be responsible for the issuing of licences and enforcement of standards in the industry, but would be tailored to the specific needs of NI. Although the provisions for the two bodies would be entirely separate, the regulatory regime would be broadly equivalent to that in the rest of the UK and Ireland.

39. The proposed new Authority would adopt similar standards and licence conditions as its neighbouring Authorities the SIA and the PSA, and each could liaise regularly and share information. However, it would not abolish the need to be licensed in separate jurisdictions in order to operate in each.

40. If a NI agency was established to govern the industry, we would expect it to be self-financing rather than require ongoing subsidy from the Department. The licence cost would therefore have to bear not only the administrative costs of regulation, but also the cost of enforcement. The smaller size of the industry in Northern Ireland would mean that in order to deliver the same benefits as the SIA, the cost of a licence from a Northern Ireland agency would be disproportionately high and the associated bureaucracy disproportionately big for such a small industry. We estimate that for a Northern Ireland agency to be self-financing it could have to charge at least £600 (around three times the SIA fee of £190).

41. To keep licence costs low, a 'bare minimum' of regulation could be provided for a smaller cost (£300-£400). In order to achieve this, the body might have to focus purely on the administrative process of licensing, ignoring the issue of enforcement. This could potentially undermine the value of the scheme by not pursuing enforcement. However, as we are unsure of the exact size of the industry in Northern Ireland, it is difficult to estimate more closely what the cost of a licence would need to be for a regulatory body to cover its costs.

42. Establishing a dedicated agency in Northern Ireland would also take a significant amount of time. This would mean a longer transitional period between Schedule 13 being repealed and the introduction of a new system (some delay is inevitable, but defensible if companies are in the process of being licensed). Leaving the industry without regulation for a long period of time would not be acceptable.

Conclusion

43. It is unlikely that this option would be able to deliver the same benefits as using an established agency, and could potentially have a negative impact on the industry due to the higher regulation costs. It would be capable of licensing but not enforcing, resulting in a less effective system than in the rest of the UK and Ireland. Combined with the disproportionate cost to both the industry and the Government (see table below), this option does not seem

adequate.

Costs

Option	Cost
1	Small saving to administrative costs.
2	Cost neutral.
3	<p>The application fee for an SIA licence (which is valid for three years) is currently £190, this includes the cost of obtaining a Disclosure from the Criminal Records Bureau (CRB).</p> <p>The cost of obtaining the required training is on average £250. Applicants already holding qualifications may be eligible for accreditation of prior learning and therefore be exempt from further training requirements.</p> <p>The SIA would be provided with an initial budget, for the first three years, to cover the start-up costs. After this, we expect the SIA to become self-financing through the costs of licences.</p>
4	<p>In the absence of firm indications of business proposed to any new Authority, it is not possible to provide detailed costs. Around 110 private security firms currently operate under a NIO licence, but this represents only one licensable sector (manned guarding).</p> <p>It is estimated that the cost of setting up a dedicated Northern Ireland Authority would be in excess of £3M. It is unlikely that there would be a sufficient volume of applications for security licences to justify these costs. With each UK licence currently costing £190, the SIA are sufficiently able to cover their costs. To fund a self-financing Northern Irish agency, the smaller size of the industry in Northern Ireland means that the licence fee would be disproportionately high in comparison to the rest of the UK and Ireland (the cost of a licence is estimated at around £600), which would most certainly discourage applicants. Otherwise, an ongoing subsidy would be required from the Government.</p>

Government Views

44. After carefully considering each of the four options, the Government believes that on balance, extending the remit of the Security Industry Authority

is the right way forward. The issue has been explored with the Home Office and the SIA, and agreement has been secured that the remit of the SIA could be extended to cover Northern Ireland.

45. Using the SIA will ensure that standards are equal throughout the UK, and will increase Northern Ireland's ability to operate and compete on a national level. The SIA's multi-agency approach to compliance and enforcement activity sits well with the methods currently used in Northern Ireland and could be successful in tackling the problem of organised crime within the industry.

46. It is the Government's view that using the SIA to provide a robust regulatory framework will protect both those who are operating legitimately within the industry and those who avail of private security services. Views on this are welcomed, particularly which sectors should be licensed in Northern Ireland and which should take priority.

Benefits

47. Adequate regulation of the private security industry will yield many benefits which are difficult to quantify. The over-arching aim of regulation is to reduce offending in the private security industry, protecting people from crime and giving the public greater confidence in the industry. Licensing should reduce the operation of organised criminals within the industry and prevent exploitation. This in turn should prevent firms suffering extortion.

48. Expanding regulation to other sectors could help bear down on other issues. For example, regulation of door supervisors could help reduce the incidence of drug dealing and drug use in nightclubs.

49. Providing a form of regulation that puts Northern Ireland on an equal footing with the rest of the UK will enable local companies to compete on a national basis. The industry itself is likely to benefit positively from regulation if the PSNI, local authorities and the general public can have confidence in the people that are employed in it.

Transitional arrangements

50. The current provisions that govern the industry are contained in Schedule 13 in Part VII of the Terrorism Act 2000 and are due to expire on 31 July 2007. It is unlikely that the arrangements for SIA licensing will be in place by July 2007. It will therefore be necessary to have transitional arrangements in place for the limited period between the repeal of Schedule 13 and the commencement of SIA licensing. We intend to extend Schedule 13 to provide continuing regulation for the transitional period. It is the

Government's view that this is a necessary measure to ensure the industry remains regulated in the interim.

51. We intend, however, to amend Schedule 13 for the transitional period. Currently, a licence is granted unless the Secretary of State is satisfied that a proscribed organisation, or an organisation closely associated with a proscribed organisation, would benefit from the granting of a licence, whether directly or indirectly, financially or otherwise.

52. In light of the recommendations by the IMC and NIAC which highlight the problem of (organised) criminal activity within the industry, we intend to amend the legislation. From 31 July 2007, in addition to the current provisions, a licence will be granted unless the Secretary of State is satisfied that the applicant is involved in criminal activity.

53. The provisions contained in Schedule 13 will be repealed when the SIA fully takes on the licensing of manned guarding in Northern Ireland.

54. We also propose to take a staged approach to regulation, with priority sectors being introduced first. The proposed priority sectors are manned guarding (which is already regulated under Schedule 13) and door supervisors.

55. The date for the commencement of SIA licensing has yet to be decided, but ample time to allow the industry in Northern Ireland to train staff and prepare for SIA regulation will be required.

North/South Issues

56. The Private Security Authority (PSA), which was established pursuant to the Private Security Services Act 2004, is the statutory body responsible for licensing and regulating the private security industry in the Republic of Ireland. Cooperation between the PSA and any authority taking on responsibility for licensing Northern Ireland could be dealt with on a bilateral basis. This appears to be a fruitful area for North/South cooperation and we would welcome views on how we might strengthen co-operation in this area in a constructive and practical way.

Business sectors affected

57. Private security companies within the private sector will be those directly affected by the introduction of regulation. The NIO has provided licences for around 110 private security companies operating within the manned guarding sector, however this is only one sector of the industry that could be licensed. It is not known how many employees there are operating within the industry as a whole in Northern Ireland, and in the absence of firm

indications, it is not possible to quantify the size of the sector which will be affected by the new regulation.

Small Firms Impact Test

58. Initial informal consultations with private security companies in Northern Ireland have affirmed that a permanent form of regulation would be welcomed. The impact of regulation on the private sector is positive as it will improve the industry and its competitiveness on a North/South, East/West basis. Many private security companies indicated that their preferred option for regulation would be the SIA.

59. Many within the industry have already undertaken to provide staff with thorough training, so introducing new criteria for a licence will not adversely affect those companies. It is therefore unlikely that the proposed policy options are likely to have a significant impact on small private security businesses.

60. Businesses which seek the services of private security companies are unlikely to be adversely affected by regulation and will benefit from the assurance that if a regulated company is hired, all staff are appropriately trained and suitable for the job. Due to the cost of training and licensing, it is possible that prices charged by regulated security companies may increase slightly.

Competition assessment

61. The competition filter test questions as set out by the Cabinet Office's Better Regulation Executive revealed that the proposals for regulation are likely to have little or no effect on competition between private security companies operating in Northern Ireland.

62. However, equalising standards throughout the UK is likely to increase the competitiveness of Northern Irish private security companies with those operating in the rest of the UK and Ireland. This is a welcome move for the private sector.

Consultation questions

63. We are particularly interested in your views on the following questions about the proposed form of regulation. These questions are also included in the consultation response form attached at Annex B.

- **Do you agree that extending the remit of the SIA to Northern Ireland is the best option?**

- **Are there any particular issues that the Government should be aware of?**
- **How could North/South cooperation in this area be enhanced?**
- **Which sectors of the industry should be licensed and which should be made a priority?**

How to respond

64. This consultation opened on 29 August 2006. The last date for response is **24 October 2006**.

Consultation responses should be sent to:

Private Security Industry Consultation
Northern Ireland Office
Room B.4.12
Castle Buildings
Stormont Estate
Belfast
BT4 3SB

Email: spob@nics.gov.uk

Fax: 028 9052 7807

65. When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

66. A copy of the Consultation Response form is enclosed at **Annex B**. An electronic version of the consultation document and the response form is also available at <http://www.nio.gov.uk/index/public-consultation/documents.htm>.

Confidentiality

67. In line with the Northern Ireland Office's policy of openness, at the end of the consultation period copies of the responses we receive may be made publicly available. The information they contain may also be published in a summary of responses. If such a summary is published it will be made available on the Northern Ireland Office website. If you do not want all or part of your response or name made public, please state this clearly in your response. Any confidentiality disclaimer that may be generated by you/your organisation's IT system or included as a general statement in your fax cover sheet will be taken to apply only to information in your response for which confidentiality has been specifically requested.

68. We will handle any personal data you provide appropriately in accordance with the Data Protection Act 1988.

69. You should also be aware that there may be circumstances in which the Northern Ireland Office will be required to communicate information to

third parties, on request, in order to comply with its obligations under the Freedom of Information Act 2000.

70. Please contact the Private Security Industry Coordinator at the address above to request copies of consultation responses. An administrative charge may be made to cover photocopying of the responses and postage costs.

Complaints

71. If you have any comments about the way this consultation has been conducted, these should be sent to:

Head of Central Management Unit
Northern Ireland Office
Stormont House Annexe
Stormont Estate
BT4 3SH

Additional copies

72. You may make copies of this document without seeking permission. Further printed copies of the consultation document can be obtained from the Private Security Industry Coordinator at the above address.

73. Other versions of the document in large print, Braille, Irish, Ulster-Scots or on audio cassette may be obtained on request. A text phone facility is also available by phoning 028 9052 7668 (9.00am – 5.00pm Monday – Friday).

What happens next?

74. We will aim to publish a summary of the views expressed by consultees and the Department's response on the Northern Ireland Office website within 3 months of the end of the consultation period.

Plans for making the results public

75. In accordance with criterion 6 of the Cabinet Office Code of Practice on written consultation, decisions taken in the light of the consultation shall be made public promptly with a summary of the views expressed (subject to respondents' requests for confidentiality) and reasons for the decisions finally taken.

76. The information you send us may need to be passed to colleagues within the Northern Ireland Office and/or published in a summary of responses to this consultation. We will assume that you are content for us to do this, and

that if you are replying by e-mail, your consent overrides any confidentiality disclaimer that is generated by your organisation's IT system unless you specifically include a request to the contrary in the main text of your submission to us.

77. Responses to the above questions, and any other comments or views, would be welcome by **24 October 2006**.

Equality Screening Assessment

The requirements of **Section 75 of the Northern Ireland Act 1998** require public authorities to have due regard to the need to promote equality of opportunity and the desirability of promoting good relations between the nine categories listed below:

- Religious belief
- Political opinion
- Race or ethnic group
- Age
- Marital status
- Sexual orientation
- Gender
- Disability
- Dependency

The Northern Ireland Office is fully committed to promoting equality of opportunity and good community relations in all its policies. As part of this process, and in line with the Department's Equality Scheme, the Northern Ireland Office has conducted an Equality Screening Assessment of the policy to extend the remit of the Security Industry Authority (SIA) to successfully regulate the private security industry in Northern Ireland. No significant adverse impact was detected in relation to any of the nine categories listed above in the screening.

In line with the Department's Equality Scheme, this screening exercise is published for consultation. The consultation closes on **24 October 2006**.

NORTHERN IRELAND OFFICE
EQUALITY SCHEME SCREENING FORM

Function ID: Extension of the remit of the Security Industry Authority to include regulation of the private security industry in Northern Ireland.

Screened by: Security Policy and Operations Division

Date: June 2006

Recommended Action (by project group)	Review Priority	1	[]
	Review Priority	2	[]
	Review Priority	3	[]
	No Current Action		[X]

Questionnaire

1A. Does the function referred to above involve any action which is likely to have an adverse differential impact on a person* on the basis of their:

	YES	DON'T KNOW	NO
Gender	[]	[]	[X]
Sexual Orientation	[]	[]	[X]
Religion	[]	[]	[X]
Political opinion	[]	[]	[X]
Disability (physical, mental, learning)	[X]	[]	[]
Race or ethnic origin (includes Travellers)	[]	[]	[X]
Age	[X]	[]	[]
Dependant Responsibilities/dependency	[]	[]	[X]
Marital status	[]	[]	[X]
Other	[X]	[]	[]

1B. If the answer to any of the above is YES please briefly describe the impact and the affected group.

Disability (mental) – the SIA takes into account any recent mental health problems which have resulted in the applicant being detained in the five years prior to the application. This approach is considered necessary to ensure the safety of the general public.

Age – to qualify for a SIA licence for a front-line security role, applicants must be age 18 or over. However, the SIA also impose minimum training standards, which are necessary to ensure public safety. This requirement for training minimises the impact of setting a minimum age for licensing.

Other – criminal record checks: the SIA will not grant a licence unless the applicant has been free of the effects of a conviction, caution or warning for at least 2 years before a licence application, or 5 years where the offence is considered serious. However, the SIA take a staged approach to this and consider the details of any offences, which of course is necessary for public safety.

2A. Does the function referred to omit any action, the addition of which would promote the equality of opportunity, social inclusion or welfare of any person* on the basis of:

	YES	DON'T KNOW	NO
Gender	[]	[]	[X]
Sexual orientation	[]	[]	[X]
Religion	[]	[]	[X]
Political opinion	[]	[]	[X]
Disability (physical, mental, learning)	[]	[]	[X]
Race or ethnic origin (includes Travellers)	[]	[]	[X]
Age	[]	[]	[X]
Dependant Responsibilities/dependency	[]	[]	[X]
Marital status	[]	[]	[X]
Other (please specify)	[]	[]	[X]

2B. If the answer to any of the above is YES please identify briefly the suggested amendment and beneficial impact:

3A. Is there any conflict between the rights of any one person* and those of any other person* contained within the effects of this function?

YES [X] DON'T KNOW [] NO []

3B. If YES, give details:

In the event of the refusal of the granting of a licence (on the grounds of the 3 criteria as defined by the SIA), this creates a conflict of the rights of individuals to practice profession against the interests of public safety. In this instance, public safety is paramount and justifies the conflicting rights.

*Person includes all individuals or groups with whom the Department interacts – employees, the public, contractors, purchasers, etc.

4. If an adverse impact has been identified how would you categorise it?

Significant Impact – Must be addressed (Priority 1) []

Moderate/Low Impact – Readily addressed (Priority 1) []

Significant Impact – Difficult to address in current circumstances (Priority 2) []

Moderate Impact – Not readily addressed (Priority 2) []

Low Impact – Not readily addressed (Priority 3) [X]

5. SCREENING ANALYSIS

Screening aims to identify those policies, functions or duties which are likely to have the greatest impact on equality of opportunity and community relations.

5.1 Is there any evidence of higher or lower participation or uptake by different groups within any of the nine categories? Please tick –

YES	DON'T KNOW	NO
[X]	[]	[]

If YES, give details:

The private security industry is traditionally a male-dominated profession. However, the SIA treats applications from both sexes equally. There does not appear to be anything in the proposed system of regulation that would act as a barrier to participation by any of the 9 groups, except where that is justified on public safety grounds.

5.2 Is there any evidence that particular groups have different needs, experiences, issues and priorities in relation to the particular main policy area? Please tick –

YES	DON'T KNOW	NO
[]	[]	[X]

If YES, give details:

5.3 Is there an opportunity to promote equality of opportunity or good relations by altering Policy? Please tick –

YES	DON'T KNOW	NO
[]	[]	[X]

If YES, give details:

Regulation needs to strike a careful balance between rights of individuals and the rights of the wider society. We are satisfied that the current proposals achieve this.

5.4 Have consultations in the past with relevant representative organisations or individuals within groups indicated that particular functions, policies or duties create problems that are specific to them? Please tick –

YES	DON'T KNOW	NO
[]	[]	[X]

If YES, give details:

Informal contacts with industry representatives indicate a desire for this type of regulation. They see permanent regulation as necessary to improve the industry.

6. If the answer to any of the questions in this section is YES or DON'T KNOW, proceed to consideration as to whether to submit the function, policy or duty to a full impact assessment.

If the answer to all the above questions is NO a full impact assessment is not required.

IMPACT ASSESSMENT REQUIRED:

YES	DON'T KNOW	NO
[]	[]	[X]

NORTHERN IRELAND OFFICE

CONSULTATION RESPONSE FORM

The closing date for this consultation is 24 October 2006

The Northern Ireland Office may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual consultation responses. This will extend to your comments unless you inform us that you wish them to remain confidential.

Please tick if you want us to keep your response confidential

Name: _____

Organisation (if applicable): _____

Address: _____

Please return completed forms to:

Private Security Industry Coordinator
Northern Ireland Office
Room B.4.12
Castle Buildings
Stormont Estate
Belfast
BT4 3SB

Email: spob@nics.gov.uk

Fax: 028 9052 7807

Please tick the box that best describes you as a respondent. This enables views to be presented by group type:

Political Party	<input type="checkbox"/>
Private Security Company	<input type="checkbox"/>
Trade Union	<input type="checkbox"/>
Interest Group	<input type="checkbox"/>
Local Government	<input type="checkbox"/>
Central Government	<input type="checkbox"/>
Representative Organisation	<input type="checkbox"/>
Other (please describe):	<input type="checkbox"/>

Consultation Questions

Question 1

Do you agree that extending the remit of the SIA to Northern Ireland is the best option?

Comments:

Question 2

Are there any particular issues that the Government should be aware of?

Comments:

Question 3

How could North/South cooperation in this area be enhanced?

Comments:

Question 4

Which sectors of the industry should be licensed and which should be made a priority?

Comments:

Question 5

Do you have any comments on the Equality Screening form or the Regulatory Impact Assessment?

Please use this space for any general comments that you may have, comments on the layout of this consultation would also be welcomed. You are welcome to use this form or send a written response.

Comments:

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply