



Security Industry Authority

Vehicle Immobiliser Network Meeting (20 March 2009) – Notes

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Introduction

Notes from the third Vehicle Immobiliser Network Meeting, held on the 20 March 2009

These summary notes reflect the collated views of those who attended the network meeting, a list of whom can be found in the appendix.

It is acknowledged that each delegate has a different view and does not necessarily agree with each point, however all views and suggestions have been recorded.

It is noted that the ideas and suggestions recorded do not represent agreements, nor do they represent the view of the SIA. The SIA may disagree or agree with the views and suggestions of the meeting.

Summary of the Day

Tony Holyland from the SIA presented on the revised competency specifications for vehicle immobiliser training.

Richard Hilton from the British Parking Association (BPA) presented on BPA membership and the Approved Operator Scheme.

Kelly Eaton from Ealing Trading Standards and Janice Chisholm from Islington Trading Standards presented, giving the view of vehicle immobilisation from the view point of trading standards and the general public. It was thought that a task group be set up with vehicle immobilisers, the SIA and trading standards.

James Whittaker demonstrated the body-worn camera, currently used by the Police Service; and Cory Marchasin, President of Paylock Inc, introduced the Smartboot - a clamp that is released on payment of the fine, the owner of the vehicle calls a call centre to pay the fine and is given a release code to type into the clamp itself.

Bernard Herdan, Interim Chief Executive addressed the network meeting. Bernard re-capped on the topics covered during the day, and thanked Daniel Blackwood and London Parking Control Ltd for hosting the meeting. An apology was given for the service provided by the SIA over the past year that would have affected vehicle immobiliser licences. He told delegates that there had been a rise in licence applications but that the SIA was still meeting its licensing deadlines. Delegates were assured that the phones at the contact centre were being answered more quickly, but it was acknowledged that there are improvements still to be made.

Bernard outlined actions that had been put into place at the SIA: improving performance standards; increasing team sizes; bringing in a team from the Identity and Passport Service (IPS) to help reduce the licence backlog. It was acknowledged that the SIA's performance is dependent on other bodies, such as the Criminal Records Bureau (CRB), Identity and Passport Service (IPS), UK Borders Agency (UKBA) and qualifications regulatory authorities. The challenge for a balance between value for money and customer services was highlighted. Bernard also referred to the company licensing scheme, and explained that it was dependent on further scoping work and parliamentary action. Bernard expressed the need to work with the industry on the shape of the scheme through consultation, which would conclude with a formal impact assessment.

Q&A Session

1. Vehicle Immobilisers often work alone and in dangerous situations, therefore following the corporate manslaughter legislation could lone-worker physical intervention be considered in the vehicle immobiliser training?

The working group did not consider physical intervention for vehicle immobilisers, it was thought that it could send out the wrong message, and not all vehicle immobilisers would need the training. If the employer considers this is important to the role of their staff they can have them trained in physical intervention. The new competency specification includes awareness of personal security.

2. All our vehicle immobilisers wear head-cams as a deterrent to violence, do they need a CCTV licence?

The SIA has produced guidance on the use of head-cams, please see appendix 2.

3. Why wasn't the competency consultation sent out to a wider audience? Our company, one of the largest vehicle immobiliser training providers, was not aware of it.

We were disappointed with the response rate to the consultation. It was sent to the awarding bodies to disseminate to their training providers.

We also put the consultation on our website, and sent it to our email database.

If you would like the SIA to contact you in future you can sign up to further information on our website: http://www.the-sia.org.uk/information/sign_up/

4. Can the SIA update training provider details on the SIA website?

The training providers need to inform their awarding body when their contact details change. The lists on our website are compiled from spreadsheets sent to us every two weeks by all of the awarding bodies offering the SIA licence-linked qualifications. This is partly as a security measure: the awarding bodies work more closely with training providers than we do so are more likely to know if the request is genuine or if it is another training provider trying to put a competitor at a disadvantage.

5. Will the SIA allow trained vehicle immobilisers who have not yet received their licence to shadow a trained and licensed VI to get some training 'in the field'? Bad experiences can scare off new vehicle immobilisers, so the money spent on their training and licensing is wasted.

The Private Security Industry Act 2001 says that "activities carried out in connection with" a licensable role should be licensed. Therefore if someone is accompanying the licensed vehicle immobiliser, observing the process, they would need an SIA licence. Although it could be argued that 'in connection with' is down to interpretation, it would be up to a court of law to decide.

The only concession the SIA is able to offer is the Licence Dispensation Notice (LDN) within the Approved Contractor Scheme.

Some companies use ticketing to assess the ability of the employee as it is not a licensable activity.

6. Actual situations cannot be recreated in the training room. Would it be possible to have shadowing within the SIA licence-linked training?

If the delegates could make a business case to the SIA's Policy and Legal team, then we will look into it.

7. How can we be part of the consultation process for the Company Licensing Scheme?

The consultation process is set out by the department for Business Enterprise and Regulatory Reform (BERR). The consultation will be in the public domain for 12 weeks, it is on our website, and stakeholders have been informed via press release, emails and by professional and trade bodies (such as the British Parking Association). This will be followed by a formal impact assessment.

8. Will the new qualification requirements change the fact that the Vehicle Immobiliser licence is only valid for one year whilst other sectors are valid for three years?

This will be looked at as part of the Company Licensing Scheme, if a code of practice is introduced it may not be necessary.

8. Would it be possible to get a remittance slip for each individual licence paid for to ensure the half discount is received?

The contact centre is currently looking into the payment and discount system as part of a programme of improvement. However, it is likely to look at an automated system rather than slips. For bulk submissions an email is sent to the company sponsor that details the payment information for their applications within the bulk application service. If you are aware that you are due a discount you should only send in the discounted amount (£122.50).

Evaluation: Taking the Network Forward

Richard Rippon of RedRoute has volunteered to organise the next Vehicle Immobiliser Network meeting, which will take place in the Autumn. Further details will be put on our website: http://www.the-sia.org.uk/home/licensing/vehicle_immobilising/vi_network.htm

Appendix I: List of Attendees

Company	Name
BPA	Richard Bickell
BPA	Richard Hilton
CPS Enforcement Norther	Joe Foster
Direct Parking Control Ltd	Ike Okosa
Hexagon Parking Control Ltd	Anthony Chimara
Impact Security Services Ltd	Ryder Scott
Impact Security Services Ltd	Tony Fithon
Imperial Security Management Ltd	Philip Bird
Imperial Security Management Ltd	Ashley Eastwood
Imperial Security Management Ltd	Lakvinder Rathore
LHR Parking Control	Tim Whiting
London Parking Control Ltd	Daniel Blackwood
Midway Park	Tracey Smith
Midway Park	Walton Wilkins
New Line	Tony Adams
New Line	Andy Troullars
Park Direct Ltd	James Allen
Park Direct Ltd	Albie Saliba
Parking Solutions	Obinna Okpara
REDROUTE	Richard Rippon
SIA	Amy Balchin
SIA	Siana Bretherton
SIA	Mark Burtonwood

Company	Name
SIA	Peter Dyke
SIA	Imogen Hayat
SIA	Bernard Herdan
SIA	Tony Holyland
SIA	Martyn Horton
SIA	Nick Smith
SIA	Ramy Soliman
SIP Clamping and Security	Haseeb Anwar
SIP Clamping and Security	Abubakar Rehman
Souwest VI LLP	Nigel Richardson
Trading Standards – Ealing	Kelly Eaton
Trading Standard – Islington	Janice Chisholm
	Debbie Harry
	Cory Marchasin
	James Whittaker

Appendix 2: CCTV Licensing and Use of Headcams

This guidance outlines the position of the SIA in regards to the use of headcams and its impact on licensing. The position is described below using three different scenarios. In all scenarios it is the interpretation of the SIA that viewing headcam footage falls within the CCTV definition. The scenarios have been drafted from the perspective of the person undertaking the activity.

Ultimately whether or not an individual undertaking a particular activity is licensable will always depend on the activity itself and the circumstances in which it is undertaken. Ultimately it will be for the courts to decide if an activity is licensable, but of course we aim to avoid such circumstances by providing advice in good faith. However, only the individual or employer is aware of the full facts of the activity being undertaken, and if they are in any doubt as to the requirement for a licence, they are advised to seek independent legal advice.

Scenario One: Only Viewing Headcam Footage

If your job includes guarding premises or guarding property (as defined in paragraph 2 of schedule 2 of the Private Security Industry Act (PSIA) 2001) but your activity is limited to the use of CCTV equipment (other than for purposes of identifying a trespasser or protecting property), you would require a CCTV licence if your services are supplied for the purposes of, or in connection with any contract to a consumer.

Licensable CCTV conduct is defined (within Statutory Instrument 2007 / 810) as: Involves the use of closed circuit television (“CCTV”) equipment to:

- (i) monitor the activities of a member of the public in a public or private place; or
- (ii) identify a particular person, including the use of CCTV in these cases to record images that are viewed on non-CCTV equipment, for purposes other than identifying a trespasser or protecting property.

Scenario Two: Wearing a Headcam and Viewing the Footage – in Relation to Licensed Premises

If your job includes guarding premises or guarding property (as defined in paragraph 2 of schedule 2 of the PSIA) in relation to licensed premises¹ you will need a door supervision licence if you are performing this activity on behalf of yourself or your employer; or your services are supplied for the purposes of, or in connection with any contract to a consumer.

If your activity is limited to the use of CCTV equipment (other than for the purposes of identifying a trespasser or protecting property), you do not need a door supervisor licence, but you would require a CCTV licence if your services are supplied for the purposes of, or in connection with any contract to a consumer.

If you require a door supervision licence as described above you will also need a CCTV licence if the activity performed also requires the use of CCTV equipment (other than for

¹ As defined in paragraph 8 of schedule 2 of the PSIA which are open to members of the public at times when alcohol is being supplied for consumption on, or regulated entertainment is being provided on the premise.

the purposes of identifying a trespasser or protecting property) when your services are supplied for the purposes of, or in connection with any contract to a consumer.

Scenario Three: Wearing a Headcam and Viewing the Footage – in Relation to Other Premises

If your job includes guarding premises or guarding property (as defined in paragraph 2 of schedule 2 of the PSIA) in relation to any other type of premises you need a security guard licence but only if your services are supplied for the purposes of, or in connection with any contract to a consumer.

If your activity is limited to the use of CCTV equipment (other than for the purposes of identifying a trespasser or protecting property), you do not need a security guard licence, but you would require a CCTV licence if your services are supplied for the purposes of, or in connection with any contract to a consumer.

If you require a security guard licence as described above you will also need a CCTV licence if the activity performed also requires the use of CCTV equipment (other than for the purposes of identifying a trespasser or protecting property) when your services are supplied for the purposes of, or in connection with any contract to a consumer.

Scenario Four: Wearing a Headcam Without Viewing Footage

It is our interpretation that this activity (solely wearing a headcam without viewing any footage) is unlikely to fall within the CCTV definition (as defined under the Private Security Industry regulations 2007) and therefore a CCTV licence would not be required.

However should your job include guarding premises or guarding property (as defined in paragraph 2 of schedule 2 of the PSIA) in relation to licensed premises² you will need a door supervision licence if you are performing this activity on behalf of yourself or your employer or your services are supplied for the purposes of, or in connection with any contract to a consumer.

If your job includes guarding premises or guarding property (as defined in paragraph 2 of schedule 2 of the PSIA) in relation to any other type of premises you need a security guard licence but only if your services are supplied for the purposes of, or in connection with any contract to a consumer.

Conclusion

To summarise the requirements would be as follows (please note the provisions in the detailed answers above must be met for the following to apply):

- Viewing handcam footage = CCTV licence;
- Wearing a headcam and viewing the footage = door supervision or security guard licence (as appropriate when a security activity is performed) + CCTV licence;
- Wearing a headcam without viewing footage = none (if no security activity is performed as described in the detailed answers above).

² As defined in paragraph 8 of schedule 2 of the PSIA which are open to members of the public at times when alcohol is being supplied for consumption on, or regulated entertainment is being provided on the premise.