



Home Office

**REGULATORY IMPACT ASSESSMENT  
ON  
FOOTBALL STEWARDS AND THE PRIVATE  
SECURITY INDUSTRY ACT 2001**

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## **PURPOSE AND INTENDED EFFECT**

### **Objective**

1. The *Private Security Industry Act 2001*<sup>1</sup> provides for the licensing, by the Security Industry Authority (SIA), of a number of activities in the private security industry.
2. This Regulatory Impact Assessment (RIA) considers the options for ensuring that football stewards, their supervisors and managers satisfy the requirements of the Act without creating an unnecessary burden on businesses and individuals affected. This document sets out the Government's preferred option and explains how the proposed framework will work.

### **Background**

3. The PSIA provides for the regulation of a number of sectors in the private security industry. It provides a framework of controls, including the licensing of all individuals engaging in licensable activity in five industry sectors: vehicle immobilisers (wheel-clampers), manned guards, keyholders, security consultants and private investigators. The Act also provides for the establishment of the SIA, as a non-departmental public body, to be the regulating authority.
4. Concerns have been raised about whether the operation of the Act as finally passed by Parliament has an unintended impact on some football stewards, their supervisors and managers beyond that originally envisaged. The Government has listened closely to all the representations received and given careful consideration to the issues raised both by those directly affected and those responsible for the security industry.
5. Detailed discussions have taken place over recent months involving the Home Office (HO), the Security Industry Authority (SIA), the Department of Culture, Media and Sport (DCMS), the Football Licensing Authority (FLA) and representative sporting bodies. The main outcome of these discussions has been an agreement to find ways of distinguishing between existing safety and security arrangements and any remaining risks relating to the protection of the public that would be met by SIA licensing or enhanced FLA regulation.
6. The Government recognises that football grounds present a unique situation. Football grounds are already subject to very strict safety requirements under the oversight of the FLA. These include the deployment, training and conduct of the stewards regarding their safety role.

### **Rationale for government intervention**

7. The Act does not prescribe in detail the form the SIA licensing scheme will take. Since the passage of the Act, the Home Office and the SIA have developed plans for regulation and the issue of licences and have consulted through a number of channels with a wide range of stakeholders. More

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<sup>1</sup> Thereafter referred to as the Act.

detailed information and proposals are available on the SIA website ([www.the-sia.org.uk](http://www.the-sia.org.uk)) about: -

- the form of the licensing scheme;
- the cost of a licence;
- the cost of training;
- the criteria for granting or refusing licences;
- the application process; and
- the dates on which different industry sectors will be designated for regulation under the Act.

8. Section 3 (2) of the Act defines a person as being licensable if employed, or contracted in, to carry out licensable activities. The term door supervisor is used by the Act to describe the activities of a manned/security guard who undertakes his or her duties on premises licensed for the purpose of selling and consuming alcohol or engaging in regulated entertainment, and is therefore subject to additional controls to those on the same activities carried out elsewhere by manned guards. The additional controls remain in place once the Licensing Act 2003 comes into force in November 2005, when alcohol and entertainment licenses will be replaced by a premises and personal licence. Licensing for door supervisors was phased in on a regional basis across England and Wales. It is now illegal to work as a door supervisor, their supervisor, manager or director without an SIA licence, whether directly employed, or under contract. Licensing for manned/security guards will come into effect across England and Wales on a single date. After 20 March 2006 it will be illegal to work as a security guard without an SIA licence. This applies to contract staff only.

9. The Scottish Executive has asked the SIA to extend its regulatory function to Scotland. Development work on this is underway and licensing is expected following full consultation in 2006/07.

10. The SIA publishes the criteria it uses to decide whether to grant a licence to applicants. Applicants must pass an identity check, a criminal record check and undergo approved training if they will be working in a 'front-line' activity, and must satisfy other fit and proper person criteria such as demonstrating the right to live and work in the UK and a mental health declaration.

11. Paragraph 2 of Schedule 2 to the Act defines the activities (designated activities) of manned guarding (whether or not on licensed premises) as:

- 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.

12. Paragraph 2(4) to (6) of Schedule 2 excludes certain persons from the scope of manned guarding activities:

- people who only control access to a premises to the extent of securing that persons have paid for admission or have invitations or passes to enter;
- people who do not perform those activities otherwise than incidentally to maintain order or discipline amongst a group they are working with; or
- those persons who do not wholly or mainly perform those activities and who incidentally respond to a sudden or unexpected occurrence.

13. What this means in respect of some stewards working at a football ground is a steward, employed in-house or under contract, who undertakes any activity as part of their duties which can be considered a 'designated' security activity, and does so on licensed premises (defined in the Act) would normally be required to be licensed by the SIA as a door supervisor unless otherwise exempted. At most larger football grounds, the whole ground constitutes licensed premises. Those football stewards undertaking 'designated activities' who do not work on licensed premises would need an SIA licence (from March 2006) only if working under contract.

14. Spectator safety stewards at football grounds are already regulated by local authorities under the oversight of the Football Licensing Authority (FLA). It would be a duplication of effort, and a waste of resources, if some football stewards were also required to be licensed by the SIA specifically for their security functions. In order to ensure that the alternative arrangements are suitable, the Home Office have worked closely with the SIA, DCMS, FLA and the football industry to enhance the requirements overseen by the FLA to ensure that they are equivalent to the SIA scheme, and this meets the terms of the Act for exemption.

15. Due to the high degree of interest which has been generated by this issue the Home Office has decided to clarify arrangements for exempting specific individuals from the Act in this document and the recently published "Exemption for in-house football stewards from licensing under the Private Security Industry Act 2001 framework".

### **Consultation**

16. As mentioned above, representations have been received by the Home Office and discussions have taken place between a range of Government departments and external stakeholders. Following this consultation, the Government identified five options for dealing with the issue of dual regulation described below. However, no consultation has been undertaken with the wider private security industry.

## Options

### Option One: Exemption from the Act

17. Section 4 (1) of the Act provides for the Secretary of State to make regulations to prescribe circumstances in which persons will be exempt from the requirement to have a licence to undertake licensable conduct. He can only do this where he is satisfied that there are circumstances in which activities of licensable conduct, for example, in-house security at events, are undertaken by people to whom “suitable alternative arrangements” will apply **and** he is satisfied that “as a consequence” it is unnecessary for people undertaking those activities to be required to be licensed.

18. The phrase “suitable alternative arrangements” in section 4 is defined in section 4(3) as arrangements that the Secretary of State or, as the case may be, the SIA are satisfied are “equivalent, for all practical purposes so far as the protection of the public is concerned, to those applying to persons applying for and granted licenses.”

19. There are two key points arising from this test. Firstly, that the test is on equivalence, and not on whether the arrangements are identical. Secondly, the equivalence has to be judged by reference to one particular consideration – ‘the protection of the public’.

20. The test of equivalence involves an element of comparison. The alternative arrangements have to be compared with the arrangements that are in use for those applying for licences. That requires an examination of the arrangements applicable to those who are the nearest comparators to the group in question, – in this case, manned guards.

21. This test would be satisfied in the case of those football stewards, who would therefore be exempt from the scope of the Act, provided that they meet the following conditions of being:

- a) trained to a nationally accredited standard and that this training should cover conflict management;
- b) subject to suitable vetting; and
- c) suitably regulated and monitored.

22. This Option offers a long-term solution which would meet the overall objectives of the Act without imposing an unreasonable burden on business, but it does require football clubs to fund the alternative regulatory arrangements being put in place by the FLA.

### Option Two: Exclusion from the Act

23. Paragraph 8 (3) (g) of Schedule 2 enables the Secretary of State to make exclusions under the Act by prescribing “any such other occasion” on which premises are not classed as licensed premises for the purposes of activities of manned guarding that are subject to additional controls. The rest

of paragraph 8(3) lists occasions on which premises are not licensed premises for the purposes of the Act, such as when they are being used as theatres or cinemas.

24. The Act does not prescribe any conditions for the exercise of this power, and it is therefore subject to the usual requirements of public law that it be reasonable, within vires and procedurally fair.

25. Whether an exclusion could provide a long term solution for employed football stewards ultimately depends on their employment status and their performance of any supervisory role (it is accepted that contracted stewards will be required to be licensed). An exclusion could provide a long-term solution for a very large number of, and possibly all, employed football stewards. This is because most employed football stewards provide no supervisory role. The only employed football stewards who would lose the benefit of the exclusion when the Home Office designate manned guarding activities beyond licensed premises in 2006 are those who supervise contracted stewards. It is estimated that a total of less than 100 employed stewards would be affected. The functions of this small group could be altered to enable them to benefit from an exclusion in the long term.

26. The Government believes that even if this is the case, there are a number of other concerns about the granting of an exclusion for football. These include:

- the exclusions route may not necessarily allow for adequate safeguards in terms of the protection of the public to be put in place;
- the Secretary of State would have to make each decision, whereas under exemptions that work could in large part fall to the SIA; and
- the Home Office has no framework in place for exclusions at the moment, so there would be an even longer time delay to ensure it was legally sound.

#### Option Three. Amend the Act

27. This option would consider changes to the Act in order to introduce a more flexible approach to licensing arrangements and also to take the opportunity to better define who is covered by the Act. This would have the key advantage of putting the legislative requirements beyond doubt and clarifying the position well beyond the immediate concerns around football stewards. However, although this would provide a long-term solution it would not address immediate concerns and there can be no guarantee that a suitable legislative slot could be found.

#### Option Four: "Do Nothing"

28. The Government is convinced that doing nothing is not a viable option. Genuine concerns have been raised by those affected and the Government is

satisfied that action is needed to ensure that businesses and individuals are not disadvantaged or regulated unnecessarily. If no action is taken, football stewards would find themselves being regulated by both the FLA and SIA which would prove to be burdensome, confusing and expensive.

### **Benefits and costs of exemption**

#### **Benefits**

29. Benefits, although very real, are nonetheless difficult to quantify. One of the intended benefits of exemption from the PSIA would be to ensure football stewards are not dual-regulated and to give the public greater confidence in the industry.

#### **Costs**

30. If in-house football stewards were required to obtain an SIA licence, typically the individual applicant would meet the SIA licence fee, but in some cases this cost would have been borne by the employer. 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 Record Bureau (CRB). However, the cost of the licence would attract a tax relief against the steward's taxable income worth £41.80. Also training costs would have fallen most heavily on new entrants to the industry since some existing qualifications can be transferred without additional costs. The SIA estimate that training would have cost between £250 - £350. The SIA have brokered funding agreements with Learning & Skills Councils for door supervisor training that would also be available to in-house football security stewards undertaking the same training, to subsidise this cost.

31. Under the exemption framework, some cost will accrue to the football clubs to implement the proposed enhancements required as part of the exemption strategy but this will be more than balanced by removing the need to secure a separate SIA licence and savings in training costs.

32. It is not anticipated that these proposals will have any real impact on public services. There may be some benefits to the police who might otherwise have to increase their level of activity in football grounds to compensate for any lack of availability of appropriately trained stewards.

#### **Preferred Option**

33. The Government has decided that **Option 1** is the preferred option for the following reasons:

- It focuses on the specific problem already facing football stewards and makes best use of existing arrangements.
- The exemption strategy would not be too burdensome for those concerned, but will move the process from the individual (SIA approach) to the football club.
- Section 4 of the Act provides a clear test and threshold that suitable alternative arrangements are or will be in place. All future applications for exemptions must be considered in light of this test.

- Many groups have a form of legislative regulation and a training programme which would probably require a manageable amount of improvement to meet the criteria.
- The Government sees this as a way to close the gaps between existing safety/security arrangements and any remaining risks relating to the protection of the public that would be met by SIA licensing, while avoiding dual regulation.

### **Sectors and Groups Affected**

34. The exemption will apply to the following stewards when working in licensed areas: -

- stewards searching spectators on their entry to the ground;
- stewards specifically tasked with intervening against and ejecting spectators who are in breach of ground regulations; and
- the supervisors of these two previous groups; and,
- in a frontline or non-frontline capacity, safety officers and chief stewards who supervise and / or manage stewards.

35. Generic job descriptions for these stewards are attached at **Annex A**. It is estimated that they will cover some 20% – 25% of the in-house stewards, roughly 3,000 in all.

36. The following safety stewards are not affected as they are not required to be licensed: -

- Any steward who does not undertake any designated activities as part of normal duties.
- Any steward who does undertake designated activities, but does not do so in premises licensed for the sale of alcohol or regulated entertainment from 12 September 2005 to 20 March 2006.
- Any steward who exercises control over persons allowed access, to the extent that they are checking that the person has paid for admission or have invitations or passes allowing admission.
- Any steward who responds to an incident (sudden or unexpected occurrence) that is incidental to his/her normal activities, where their normal activities are not already designated activities (e.g. a safety steward who goes to the assistance of a fellow steward who is being attacked by members of the crowd).
- Volunteers, unless they receive payment in kind or reward.
  - The principles on what constitutes payment in kind or reward are in line with those set out by the Inland Revenue. In short the IR identifies a payment in kind or benefit as whether it is subject to either PAYE (Tax) or National Insurance Contributions. The list provided on the IR

website (link below) is comprehensive, but not prescriptive, and if in doubt individuals or organisations should consult the SIA.

<http://www.inlandrevenue.gov.uk/employers/ebik/ebik2/table-of-contents.htm>

37. Under the PSIA, contract stewards who search, intervene and eject (i.e. who perform licensable functions) in licensed areas will require a door supervisor's licence from the SIA immediately and from 20 March 2006 if they work on non-licensed premises. Moreover, the exemption will not apply to in-house personnel performing licensable activities on non-football event days, for example as door supervisors at a licensed bar in the stand.

### **Small Firms Impact Test**

The proposals outlined in this document are not expected to have any significant effect on small businesses.

### **Competition Assessment**

The proposals outlined in this document will apply to a range of businesses and individuals, assisting them in their activities, and will not have any effect on market share or entry to the market. It will not therefore have any overall effect on the market.

### **Enforcement, sanctions and monitoring**

The exemption proposed in this document will be put in place by regulations and will be implemented by the FA as part of its normal activity. The FLA will report back regularly to Ministers on how the exemptions framework is operating. This provides for any necessary enforcement and sanction. The Home Office, DCMS and the FLA will monitor the new arrangements as part of their ongoing assessment of the industry.

### **Implementation and Delivery Plan**

As mentioned above, arrangements will be put in place to ensure that the new arrangements are delivered and well communicated as part of their overall activity.

### **Post-implementation Review**

The Home Office and SIA are jointly responsible for the successful implementation of all the provisions of the PSIA 2001. There is a Government commitment to review all major pieces of legislation three years after full implementation.

### **Summary and Recommendation**

As described above, the Government is satisfied that exemption in the case of football stewards is justified and the necessary arrangements will be put in place by early 2006.

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## **Job Description – Search Stewards**

### **Responsible to the Safety Officer**

Areas of work:

All parts of the stadium, inside and outside. Including licensed and unlicensed areas, corporate areas, concourses, vomitories and gangways, trackside, and at turnstiles.

Role: Searching the public

CRB checking needed: Yes

Training checking needed: Yes

Search stewards are expected to be involved in dealing with incidents within and outside the stadium, including the licensed areas of the stadium.

This team of stewards will be a specialist teams to deal with conflict, disorder and breaches of the ground regulations including searching and ejecting spectators, and will have had additional training in conflict management over and above that given to other stewards.

Duties include:

- To attend pre event planning and briefing sessions.
- To ensure that the requirements of the safety certificate and ground regulations are met at all times.
- To be responsible for the safety and comfort of spectators within a designated area at all times.
- To carry out all instructions given by Safety Officer, through a supervisor.
- Liaise with supervisors and other specialist stewards before, during, and after each event.
- Assist in the identification of spectators who are banned from the ground or who do not possess tickets at all ticket matches or who are in possession of forged tickets.
- Assist in dealing with of breaches of ground regulations.
- Carry out ejections for breaches of ground regulations.

- Prevent entry to the stadium of those spectators without a valid ticket, those that are banned from the stadium, those in breach of ground regulations and / or those in breach of specific legislation.
- Selectively search spectators in accordance with club policies and the ground regulations in order to prevent those items prohibited under the ground regulations being brought into the stadium.
- Ensure that gangways and exit / evacuation routes are kept clear.
- Assist in the diversion of spectators to other parts of the ground including the closing of turnstiles when the capacity for any area is about to be reached.
- Identify and investigate any incident or occurrence among spectators, reporting their findings to a supervisor, and acting in accordance with instructions from a supervisor, the Chief Steward or the Safety Officer.
- Know the location of and be able to operate effectively the fire-fighting equipment at the ground.
- Know the location of the first aid room and any first aid equipment kept elsewhere in the Stadium.
- Be fully conversant with any methods or signals used to alert staff that an emergency has arisen.
- Be capable of recognising potential fire hazards and suspect packages, reporting such findings immediately to a supervisor, the Chief Steward or the Safety Officer.
- Comply promptly with any instruction given in an emergency by the Safety Officer, area supervisor or a police officer.
- Remain at allocated post as instructed unless authorised or ordered to do otherwise by the supervisor, area supervisor, the Safety Officer or a police officer.
- Report to the area supervisor or Safety Officer any damage or defect which is likely to pose a threat to spectator safety e.g. a damaged seat or barrier.
- Assist as required in the evacuation of the ground.

## **Job Description – Response Stewards**

### **Responsible to the Safety Officer**

#### Areas of work:

All parts of the stadium, inside and outside. Including licensed and unlicensed areas, corporate areas, concourses, vomitories and gangways, trackside, and at turnstiles.

Role: Responding to and dealing with incidents.

CRB checking needed: Yes

Training checking needed: Yes

Response stewards are expected to be involved in dealing with incidents within and outside the stadium, including the licensed areas of the stadium.

This team of stewards will be a specialist teams to deal with conflict, disorder and breaches of the ground regulations including searching and ejecting spectators, and will have had additional training in conflict management over and above that given to other stewards.

#### Duties include:

- To attend pre event planning and briefing sessions.
- To ensure that the requirements of the safety certificate and ground regulations are met at all times
- To be responsible for the safety and comfort of spectators within a designated area at all times.
- To carry out all instructions given by Safety Officer, through a supervisor.
- Liaise with supervisors and other specialist stewards before, during, and after each event.
- Assist in the identification of spectators who are banned from the ground or who do not possess tickets at all ticket matches or who are in possession of forged tickets.
- Assist in dealing with of breaches of ground regulations.
- Carry out ejections for breaches of ground regulations.

- Prevent entry to the stadium of those spectators without a valid ticket, those that are banned from the stadium, those in breach of ground regulations and / or those in breach of specific legislation.
- Immediately respond as directed by a supervisor, the Chief Steward or the Safety Officer to incidents where spectators are climbing fences and other structures or standing on seats, and deal with such incidents as required.
- Ensure that gangways and exit / evacuation routes are kept clear.
- Assist in the diversion of spectators to other parts of the ground including the closing of turnstiles when the capacity for any area is about to be reached.
- Identify and investigate any incident or occurrence among spectators, reporting their findings to a supervisor.
- Know the location of and be able to operate effectively the fire-fighting equipment at the ground.
- Know the location of the first aid room and any first aid equipment kept elsewhere in the stadium.
- Be fully conversant with any methods or signals used to alert staff that an emergency has arisen.
- Be capable of recognising potential fire hazards and suspect packages, reporting such findings immediately to a supervisor, the Chief Steward or the Safety Officer.
- Comply promptly with any instruction given in an emergency by the Safety Officer, area supervisor or a police officer.
- Remain at allocated post as instructed unless authorised or ordered to do otherwise by the supervisor, area supervisor, the Safety Officer or a police officer.
- Report to the area supervisor or Safety Officer any damage or defect which is likely to pose a threat to spectator safety, e.g. a damaged seat or barrier.
- Assist as required in the evacuation of the ground.

## Job Description – Supervisor

### **Responsible to the Safety Officer**

Areas of work: All parts of the stadium, inside and outside.

CRB checking needed: Yes – for supervisors of search and response teams

Training checking needed: Yes if frontline duties performed; No if non-frontline

Supervisors are expected to be involved in dealing with and managing incidents within and outside the stadium, including the licensed areas of the stadium.

They will manage a team of stewards, including specialist teams to deal with searching and ejecting spectators.

#### Duties include:

- To attend pre event planning and briefing sessions.
- To control and co ordinate stewarding and safety in specific stands on a match day.
- To ensure that the requirements of the safety certificate and ground regulations are met at all times.
- To be responsible for the safety and comfort of spectators within a designated area at all times.
- To be responsible for the training and development of stewards and supervisors in designated areas.
- To ensure all safety checks are carried out, and report back to the control room.
- To monitor and manage all staff in designated area before, during and after the event.
- To attend pre-match, and post-match briefings and compile a concise report for Safety Officer.
- To carry out all instructions given by Safety Officer, or through the Safety Officer.
- Liaise with other Supervisors before, during, and after each event.

- Allocate stewards for specified roles and responsibilities.
- To brief all stewards in your designated area and de brief them after the event.
- To collect and report any information from the event back to the Safety Officer.
- To ensure all stewards are aware of the date and time of the next event.
- Assist in the identification of spectators who are banned from the ground or who do not possess tickets at all ticket matches or who are in possession of forged tickets.
- Assist in the prevention of breaches of ground regulations.
- Manage ejections for breaches of ground regulations.
- Prevent entry to the stadium of those spectators without a valid ticket, those that are banned from the stadium, those in breach of ground regulations and / or those in breach of specific legislation.
- Manage teams of safety stewards and of specialist stewards.