

RE: CCTV Hirwaun

From: [Bluck, Wayne](#) - RCT

Sent: Thu, 21 Mar, 2019 at 11:11

To: office@hirwaunandpenderyncc.org.uk

Cc: [Morgan, Karen \(Councillor\)](#), [Derek Green](#)

Good morning Emma,

Due to recent notification from the security industry authority, I'd like to update you on a problem that will affect the provision of this service (CCTV Monitoring for the town council).

The SIA have released the following response to a query raised by another local authority CCTV Manager –

I can confirm that the guidance provided on our website is correct and that it applies to local authorities that are providing security services under contract to third parties that constitute activity licensable under the Private Security Industry Act 2001 (PSIA). The guidance we have issued sets out the legal position in relation to the PSIA and in line with recent legal advice we have received relating to the licensing of body corporate members.

The reason for the requirement in the case of members of a Local Authority is as follows:

- In cases where the Local Authority is selling security services to a third party it is considered to be acting in the same capacity as a private security company.
- The PSIA states that Directors of any organisation selling security services under contract to third parties require a non-front line SIA licence.
- Local Authorities constitute Bodies Corporate and, in law, the directors of a Body Corporate are its members.
- As councillors are the members of a Local Authority, they constitute 'directors' for the purposes of the PSIA. This is irrespective of their specific roles or areas of responsibility.

With reference to the questions you raise about 'external vs internal contracts', we would like to make clear that the licensing requirements do not apply if the Local Authority is simply providing services internally to other departments within the Local Authority. If the council has an in-house CCTV team that is seeking to provide services to external bodies, however, for example a trading arm of the council, staff will need to be licensed. Basically, if town councils are to be considered as an external body it would not be possible for us to provide this service, we would need to apply for non front line licenses for all cabinet members and group directors!!

I'm waiting for clarification on this, the national CCTV managers association is currently in talks with the SIA to establish if this rule can be overturned. However, it looks to be set in stone and will certainly affect our agreement especially if town councils are considered third party to RCT.

I'll keep you updated. In the meantime, I'm sure Derek CDS will be glad to assist with any queries if you wish to continue with the scheme.

Kind regards, Wayne.....

