



The Private Security Authority

An tÚdarás Slándála Príobháidí

Private Security Service Contractors Licence



Department of Justice, Equality and Law Reform
An Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí



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www.psa.gov.ie

» 1. Introduction

The Private Security Authority (PSA), established under the Private Security Services Act 2004, is the statutory body with responsibility for regulating and licensing the Irish private security industry.

The Act identifies the following sectors of the private security industry:

- door supervisor
- supplier or installer of security equipment
- private investigator
- security consultant
- security guard
- provider of protected forms of transport
- locksmith
- supplier or installer of safes

The PSA's functions include:

- Controlling and supervising persons providing security services and maintaining and improving standards in the provision of those services.
- Granting and renewing of licences
- Issuing identity cards to licensees
- Suspending and revoking licences
- Establishing and maintaining a register of licensees
- Specifying standards to be observed in the provision of security services
- Specifying qualifications or requirements for the granting of licences
- Undertaking or commissioning research projects and activities necessary for the planning, development and provision of those services
- Investigating security services being provided by any person
- Establishing and administering a system of investigation and adjudication of complaints
- Monitoring the provision of private security services generally
- Liaising with licensees
- Advising the Minister on any matters relating to the above functions and keeping the Minister informed of developments that would assist in developing policy.

The PSA, which is independent in the exercise of its functions, is based in Tipperary Town. The Chief Executive of the PSA is Ms. Geraldine Larkin.

Membership of the Private Security Authority

Mr. Maurice Dockrell, LL.B, LL.M (Eur Law)(Chairperson)

Mr. Ray Guinan, former President of the Irish Security Industry Association

Mr. Bill Brown, National Union of Security Employers

Mr. Kevin McMahon, SIPTU

Ms. Esther Lynch, ICTU
Mr. Martin Donnellan, Assistant Commissioner An Garda Síochána
Mr. Liam Ó Dubín, Security Institute of Ireland
Ms. Margaret Lovatt, FÁS
Ms. Eimear Fisher, Department of Justice, Equality and Law Reform

» 2. Licensing the Private Security Industry

The PSA will issue two types of licences:

- **Private Security Services Contractor Licence**
(applies to companies, partnerships and sole traders providing security services in this jurisdiction)
- **Private Security Services Employee Licence**

Each licence will identify the sector(s) of the private security industry in which the licensee is authorised to operate and will be valid for two years.

» 3. Sectoral Rollout of Private Security Services Contractor Licences

Sector as defined in legislation	Licensing Sectors/ Sub-Sectors	Open for Licensing	Critical Date*
Door Supervisor	Door Supervisor Event Security	3 Oct 2005 2007	1 Apr 2006 2007
Security Guard	Security Guarding Alarm Receiving Centres	3 Oct 2005 1 Nov 2005	1 Apr 2006 1 Aug 2006
Supplier or installer of Security Equipment	Intruder Alarms	1 Nov 2005	1 Aug 2006
Provider of protected forms of transport	Cash-in-transit	1 May 2007	31 Jul 2007

* Critical Date is the date from which it will be an offence to provide a service in a designated sector of the private security industry without a licence. It will also be an offence to contract an unlicensed contractor after that date.

Details of the rollout of licences for other sectors will be announced in due course.

The schedule overleaf is the first phase of a three phase rollout of licensing for Private Security Services Contractor Licences as follows:

Sectors/Sub-Sectors for which standards have been developed – Door

- Supervisor (door supervisor and event security), Security Guard (security guarding and alarm receiving centres) and Supplier or installer of security equipment (intruder alarms)
- Sectors/Sub-Sectors for which standards are currently being developed – Supplier or installer of security equipment (access control, CCTV), Provider of protected forms of transport (cash-in-transit)
- Sectors/Sub-Sectors for which work on standards has yet to commence – Locksmiths, Suppliers or Installers of Safes, Private Investigators and Security Consultants

The PSA may in future develop Licensing standards for other sub-sectors as necessary.

» 4. Licence Fees

The licence fee will consist of two components – an administration fee and a sectoral fee which will be based on the turnover of the contractor for each sector (as defined in the Private Security Services Act 2004) in which the contractor operates. Thus, a contractor operating in more than one sector will pay one administration fee and the appropriate sectoral fee for each area of activity.

The two year licence fee is chargeable on the annual turnover per sector, on the following basis:

Administration Fee	€1,000	
Turnover < €625,000	€1,250	Total €2,250
Turnover < €1,250,000	€2,500	Total €3,500
Turnover < €3,750,000	€5,000	Total €6,000
Turnover < €10,000,000	€9,000	Total €10,000
Turnover > €10,000,000	€19,000	Total €20,000

Example 1:

A contractor applying for a licence for Security Guard (turnover €500,000) and Door Supervisor (turnover €1,000,000) will be charged the following licence fee for a two year licence:

Administration Fee:	€1,000
Security Guard:	€1,250
Door Supervisor:	€2,500
Total Licence Fee	€4,750

Example 2:

A contractor applying for a licence for Security Guard and Alarm Receiving Centre (turnover €1,500,000), and Door Supervisor (turnover €1,000,000) will be charged the following licence fee for a two year licence:

Administration Fee:	€1,000
Security Guarding & Alarm Receiving Centre: (Security Guard sector)	€5,000
Door Supervisor:	€2,500
Total Licence Fee	€8,500

Example 3:

A contractor applying for a licence for Security Guarding (turnover €1,500,000) will be charged the following licence fee for a two year licence:

Administration Fee:	€1,000
Security Guarding: (Security Guard sector)	€5,000
Total Licence Fee	€6,000

Contractor subsequently applies for a licence for Alarm Receiving Centre (turnover €1,500,000), the following additional charge will apply:

Administration Fee:	€1,000
Alarm Receiving Centre:	Nil
(Sub-sector is part of the Security Guard Sector for which licence fee has already been charged).	
Total Additional Fee:	€1,000

Total Charged: €7,000

» 5. The Licence Application Process

The following must be presented in support of an application for a Private Security Services Contractor licence:

- Completed application form
- The prescribed licence fee
- A valid tax clearance certificate
- A certificate of incorporation dated not earlier than 4 weeks before the date of the application
- A certificate of business name where the trade or business name is not that of the beneficial owner of the business
- Auditor's Turnover Certificate where the applicant is a company
- Evidence of having attained the required standard(s)
- Completed criminality checking authorisation forms as follows:
 - For the principal where the Contractor is a Sole Trader
 - For each of the partners where the Contractor is a Partnership
 - For each of the Directors where the Contractor is a Company

The PSA will process the application and transmit the criminality checking authorisation forms to An Garda Síochána for criminal records check in advance of issue of the licence.

» 6. Refusal of Application for a Licence

- If the PSA refuse your application for a licence you have a right to appeal this decision to the Private Security Appeal Board.
- If you consider that there is additional information to support your application you may submit this to the PSA within 14 days of notification of a refusal. This information may include character references or evidence of rehabilitation since a previous criminal conviction. This is strictly without prejudice to your right of appeal to the Private Security Appeal Board.

» 7. Criminal Records Checking

The PSA will consider whether a contractor is a fit and proper person/company to work in the private security industry.

Criminal records criteria checking, as applied to employees will also apply to

- Sole Traders
- All Partners in a Partnership
- All *Directors of a Company

* Director includes (a) any person occupying the position of director, by whatever name called (b) any person who effectively directs or has a material influence over the business of the body corporate (c) any person in accordance with whose directions or instructions the directors of the body corporate are accustomed to act, unless the directors are accustomed so to act by reason only that they do so on advice given by the person in a professional capacity, and (d) where the affairs of the body corporate are managed by its members, any of the members who exercises the function of such management.

7.1 General Guidelines

(these criteria also apply to sole traders, partners and company directors)
The PSA will consider whether an applicant is a fit and proper person to work in the private security industry.

7.1.1 Information required

- Applicants will be required to declare details of all criminal convictions and/or cases where proceedings are pending to the PSA when applying for a licence. Failure to do so is an offence under section 36 of the Private Security Services Act, 2004.
- The PSA will also request information from the Commissioner of An Garda Síochána regarding any criminal records held in the applicant's name as provided for in section 34 of the Private Security Services Act 2004. Any information received from An Garda Síochána in relation to the applicant will be treated in strict confidence and will only be used for the purpose of assisting the PSA in determining whether the applicant is a fit and proper person to hold a licence.
- Applicants from other EEA* countries will be required to provide a criminal record certificate from the relevant authority in their country of origin.
- Applicants from countries outside of the EEA* will be required to provide a criminal record certificate from the relevant authority in their country of origin stamped by the country's Foreign Ministry or local embassy.
- All applicants who have spent 6 months or more in another jurisdiction will be required to provide a criminal record certificate from that jurisdiction.

All documentation submitted by applicants must be in either the Irish or English Languages or accompanied by a certified translated copy as appropriate.

7.1.2 General Guidelines

The PSA will exercise its discretion when deciding whether to issue a licence to a person who has a criminal record. Each application will be decided on its own merits and a person with a criminal conviction(s) will not always be prohibited from holding a licence.

The PSA will take the following into account when deciding whether to grant a Licence to a person that has a conviction(s):

- Conviction(s) for relevant offence(s) which carry a fine only – the PSA will exercise its discretion in deciding whether to grant a licence.
- Conviction(s) for relevant offence(s) which carry a sentence up to 10 years – the PSA will prohibit the applicant from holding a licence for a minimum period equal to the length of the sentence received and may prohibit up to a maximum period of the prescribed statutory sentence.

*** Definition of EEA**

The European Economic Area (EEA) comprises all EU countries plus Norway, Iceland and Liechtenstein

- Conviction(s) for relevant offence(s) which carry a sentence more than 10 years – the PSA will consider on a case by case basis.
- Cases awaiting trial – the PSA will consider the seriousness of the alleged offence(s), trial date and threat to public interest. It will exercise its discretion in deciding whether to grant a licence and may decide to await the decision of the courts.

» 8. Standards Required for Issue of Contractors Licence

A key requirement for obtaining a Private Security Services Contractor licence is that applicants meet the standards set for each of the sectors in which they apply to be licensed. Where security standards are not available or where standards are technical in nature, the PSA has contracted the National Standards Authority of Ireland (NSAI) to develop a suite of operational standards and appendices to existing standards based on the existing IS.999:2004 standard. These new operational requirements will underpin the licensing of contractors in the other sectors of the industry and complement the existing technical standards already in these sectors.

Further information on the ongoing development of standards can be obtained from the PSA website - www.psa.gov.ie

Guidelines for auditing of IS.999:2004 standards are given in **Appendix 1**

» 9. Obligations of Users of Private Security Services

For users of private security services, Section 38 of the Act makes it an offence to employ an unlicensed security contractor or employee. Contravention of Section 38 of the Act will result in a fine of up to €3,000 and/or imprisonment. The unlicensed private security provider will incur similarly harsh penalties. This provision also applies to the sub-contracting of jobs by Private Security Services Contractors. A Private Security Services Contractor may sub-contract only to licensed Private Security Services.

» 10. The PSA Website

Additional information and can be downloaded from our website - www.psa.gov.ie

The website contains up-to-date information, a facility to report unlicensed operators and a register of licensees.

Appendix 1:

Guidelines for auditing of standards as applied to IS.999:2004

Auditing of standards is conducted by PSA recognised auditors under four main headings

– Company Structure, Staffing, Training and Operations.

Company Structure

- Documentation from Company Registration Office.
- Evidence of sound financial management.
- Sufficient Insurance to meet contractual obligations at a minimum public liability and employers liability.
- Client Contracts indicating term of contract, costings payment arrangements, services provided, use of subcontractors, level of response and means of and exchanging operational information.
- Statement of compliance with other statutory obligations including Health, Safety and Welfare of Work Act 1995. Organisation of Working Time Act 1997, Security Industry Employment Regulation Order, Revenue and Social Welfare.

Staffing

- Clear recruitment policies and procedures.
- All Staff interviewed and screened.
- All staff to have a file with personal documents.
- Contract of Employment for all staff specifying pay and conditions.
- All staff to fulfill obligations under code of conduct.
- Appropriate identify cards and uniforms for all staff.

Training

- Staff with less than three years continuous security industry experience to receive 14 hours induction training within 13 weeks of appointment (to increase to appropriate FETAC accredited award in 2006 to coincide with PSA individual licensing)
- Site specific training for all staff.
- Specialist training, refresher training or supervisory and management training in line with staff responsibilities.
- Training records maintained for all staff.
- Future training needs of all staff identified and agreed with staff member.

Operations

- Robust systems to deliver key services to client.
- Communications link with all assignments to facilitate monitoring, reporting and emergency response.
- Guidance Manual available to controllers covering all contingencies.
- Incident book maintained.
- Assignment instructions prepared for each site specifying emergency procedures, lines of communication, accountability, reporting arrangements, access control and searching procedures, vehicles or equipment in use, restrictions on individuals and safety statement.
- Clear routines for handling confidential information.
- Key register and secure storage of all keys.
- All vehicles and equipment to



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