

## Guide to Licensing Law for the SIA Licensed Door Supervisor

This guide is based on current Law and Requirements and may well become outdated due to changes within the Licensing Act 2003 and the Licensing Order 2010 – Therefore DS are to ensure they check with the Local Licensing Authority or Government Authorities.

### Roles and Responsibilities

- Manage Persons, Crowds and Queues.
- Uphold the 4 Licensing Objectives
- Make sure people keep to the dress code.
- Check tickets.
- Patrol inside and outside the venue.
- Watch people's behaviour and deal with conflict.
- Safe use of Restraint and Escort of people out of the venue, if necessary.
- Deal with venue emergencies.
- Co-operate with Police, Emergency Services and Management.

### What Gives a Door Supervisors an Authority to Act?

The venue Designated Premises Supervisor (**DPS**) can authorise a person on their behalf to enforce Licensing Laws. Venue Policies and Procedures, this authority comes from the Licensing Act 2003 empowering the Door Supervisor (**DS**) with the authority of a DPS, so long as they hold a valid SIA Badge, which must be displayed at all times whilst working.

Door Supervisors acts on the behalf of the DPS and Venue owners, therefore they must act in a civilised manner and with no more force than is necessary to uphold the requirements of the Licensing Act.

### Refusal of Entry or Service

- **Lawful Requirement** (if the person is a minor or unduly intoxicated or disorderly)
- **Safety of the Person** (Due to the consumption of Alcohol or their Behaviour)
- **Safety of others** (The person is considered violent or becomes violent when intoxicated)
- **Licensee considers it warranted** (Breach of Venue Rules provided it is not discriminatory)

### Section 143 Failure to leave licensed premises etc.

*(1) A person who is drunk or disorderly commits an offence if, without reasonable excuse—*

*(a) he fails to leave relevant premises when requested to do so by a constable or by a person to whom subsection (2) applies, or*

*(b) he enters or attempts to enter relevant premises after a constable or a person to whom subsection (2) applies has requested him not to enter.*

*(2) This subsection applies—*

*(a) to any person who works at the premises in a capacity, whether paid or unpaid, which authorises them to make such a request, (Authorised by the DPS to act on their behalf)*

Source - UK Gov Licensing Law

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For the removal of a patron of a licensed premise the mnemonic **REACT** is often used:

**R – Request** the Person to Leave Peacefully

**E – Explain** the reasons for the request to leave.

**A – Appeal** for them to Comply with your Lawful request.

**C – Confirm** their refusal to leave.

**T – Take Lawful Action** (This maybe physically escorting them out or Calling the Police)

### The Four Licencing Objectives

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Prevention of Harm to Children

All four of these statements apply to the Designated Premises Supervisor (DPS) and upon employing Security Personnel the DPS confers part of this responsibility onto the Door Supervisor (DS) who will act as agents of the Premises Licence Holder and DPS. The primary role of the Door Supervisor is to aid the DPS in complying with the premise's legal obligations under the four Licencing Objectives.

Both the Police and the Council Licensing Officers will enforce all legal requirements placed upon any premises that holds such a licence, and many Police and Council Authorities are now responsible for undertaking Licencing checks on Security Operatives under the Private Security Industry Act 2001 (PSIA-2001) which oversees the Private Security Industry.

As of April 2021, all Security personnel must hold a valid First Aid certificate to either commence training or to renew their licences, and for premises that have clearly understood their obligations under the Licencing Objectives would have already had this in place.

As Agents of the Licensee DS must understand the Restrictions placed on the venue and these can be found on the Premises Licence which must be displayed within the venue. They will indicate the following:

- Daily Opening and Closing Times
- Maximum Capacity of the Venue
- Requirement for Door Supervision (If Mandatory)
- Type of Activities that can take place.

**LA-Section 2** - The Licensee must display the 'licence summary' at their premises where it can be easily seen. The other pages of the licence should be kept safely at the premises. Police or council officers can ask to inspect them at any time.

Licensing Officers/Committee can implement mandatory conditions on Licensed Premises and this maybe the requirement for Door Supervision during specific hours or anytime whilst open.



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### Body Worn Cameras (BWC)

These have become common place within the Licensed Retail industry with the intention of reassuring the Public and to confirm statements of fact due to the high level of assaults within this area of private security. This has now been extended to many other Security related positions.

- The wearer does not require a CCTV operator licence.
- Must be clearly visible to the person(s) it is recording.
- Images must be downloaded by an authorised person.
- Images must be stored securely on an approved system.
- Camera does not replace the need to complete your notebook or company documentation, e.g. incident reports, witness statements and other required documentation.

Source - Highfield Awarding Organisation PP

These cameras can come in all different types and sizes, however, if you are using one, then you must inform the other person that the camera is recording the incident. In many cases this encourages individuals to act more civilised and less violent, which in turn helps to deescalate any confrontation.

Door Supervisors have no formal powers of arrest, and by formal we are talking about powers like those given to Police Officers.

Like any person in the UK, each person has the power to arrest another person who is committing or about to commit an arrestable offence. There are different types of Offence.

- Indictable Offences (Such as Murder, Sexual Assault, Robbery, Theft)
- Common Law Offences (Such as Breach of the Peace)

**Sec.3 Criminal Law Act, 1967** Gives any person the authority to use such force as is **Reasonable, Necessary, and Proportionate** in the circumstances to affect a Lawful Arrest. It must be understood that once you have affected a Lawful Arrest, you are responsible for the Safety, Health and Welfare of that person until you hand them over to a Police Officer. (Always record any use of Force in your incident log and Notebook)

**Section 24a of the Police and Criminal Evidence Act 1984** says that:

- *24A Arrest without warrant: other persons*
  - (1) *A person other than a constable may arrest without a warrant—*
    - (a) *anyone who is in the act of committing an indictable offence;*
    - (b) *anyone whom he has reasonable grounds for suspecting to be committing an indictable offence.*
  - (2) *Where an indictable offence has been committed, a person other than a constable may arrest without a warrant—*
    - (a) *anyone who is guilty of the offence;*
    - (b) *anyone whom he has reasonable grounds for suspecting to be guilty of it.*
  - (3) *But the power of summary arrest conferred by subsection (1) or (2) is exercisable*
- *only if—*
  - (a) *the person making the arrest has reasonable grounds for believing that for any of the reasons mentioned in subsection (4) it is necessary to arrest the person in question; and*
  - (b) *it appears to the person making the arrest that it is not reasonably practicable for a constable to make it instead.*
- (4) *The reasons are to prevent the person in question—*
  - (a) *causing physical injury to himself or any other person.*
  - (b) *suffering physical injury.*
  - (c) *causing loss of or damage to property; or*
  - (d) *making off before a constable can assume responsibility for him.”*

Door Supervisors should study these laws and clearly understand them and only implement an arrest if there is no other reasonable choice left open to them.