



Private Security

Security guards generally do not have any more legal powers than any member of the public (but see **Community Safety Accreditation Schemes** below). This means they can only make a “citizens' arrest” (covered by section 24A of the Police And Criminal Evidence Act 1984) using 'reasonable force' to prevent a crime from occurring or if they have a reasonable suspicion that an offence has been committed.

However, they must also call the police and can only detain someone if there is a risk of injury, damage to property or that the person is likely to escape before the police can take over responsibility. Any suspected offence must be indictable (serious enough for trial at a Crown Court) but this does include criminal damage and aggravated trespass. As most security guards are inadequately trained and unlikely to know the limits of their powers, their run the risk of acting unlawfully if they attempt to make a “citizens' arrest”,

Again, like other members of the public, security guards can also use 'reasonable force' to remove civil trespassers from private property, acting as agents for the property owner.

What constitutes 'reasonable' force and 'reasonable' suspicion is subjective. However, the courts have often been more willing to allow security guards to act more forcefully than the average member of the public. Crown Prosecution Service guidelines on self-defence also recommend “special care when reviewing cases involving those, other than police officers, who may have a duty to preserve order and prevent crime”, which includes private security guards.

In practice, the police often step in to arrest protesters to ‘prevent a breach of the peace’ for refusing to leave private property when there is a confrontation with security guards, even if no other criminal offence has been committed.

In most cases, security guards that anti-fracking campaigners are likely to encounter will be licensed by the Security Industry Authority (SIA), because they provide “manned guarding” roles covered by the Private Security Industry Act 2001. This includes both security personnel at a drilling site and also staff employed, for example, at shopping centres that your campaign might have a stall outside of.

Front-line staff (those on the ground who guard property or premises) must wear a credit-card-sized licence where it can be seen. Failure to do so is a breach of the licence conditions and may be reported to the SIA.

Community Safety Accreditation Schemes

The Police Reform Act 2002 allows Chief Constables to accredit people working in security roles to receive limited powers under an approved ‘Community Safety Accreditation Scheme’ (CSAS) for “combatting crime and disorder, public nuisance and other forms of anti-social behaviour”.

Overwhelmingly local councils employ these Accredited Persons as enforcement officers or parks wardens, although there are accredited schemes that also cover shopping centre and industrial estate security staff. Their powers include the ability to:

- issue a penalty notice for disorder for behaviour likely to cause harassment, alarm or distress
- issue a fixed penalty notice for graffiti and fly posting
- require the name and address of a person who has committed a criminal offence that causes injury, alarm and distress to another person or damage or loss of another's property, or to whom a penalty notice has been issued
- require the name and address of a person acting in an anti-social manner

Accredited Persons must wear a uniform approved by the police when exercising their powers and carry an ID card that also shows the powers they are authorised to use. The logo on the right indicates a security guard is CSAS accredited.



Currently we are unaware of any specific incidence of CSAS accredited staff at fracking sites but we know that security companies working with the industry are training staff for CSAS accreditation.

If you come across security guards using these powers, please contact Netpol at info@netpol.org.

Complaining about private security personnel

The SIA is concerned primarily with security staff working without a licence, not with complaints about the conduct of individual guards. If you want to complain about the behaviour of a private security company employee, you need to write to the company asking for a copy of their complaints procedure.

If you believe a security guard has acted unlawfully, including the use of excessive force without reasonable grounds, you can complain about a potential assault to the police.

If you think a member of security staff is unlicensed or failing to display their license, you can complaint to the SIA. For details about making an online complaint, see <http://www.sia.homeoffice.gov.uk/Pages/enforcement-reporting.aspx>

Security guards and body cameras

Private security companies who gather and process footage recorded by staff wearing headcams or body cameras are covered by the same SIA licensing that applies to CCTV operators, known as 'public space surveillance'.

As public space surveillance captures information about individuals and is held by organisations, it is covered by the Data Protection Act 1998. Organisations that gather, use and retain personal data must register as a data controller with the Information Commissioner's Office.

If you think you have been under surveillance, you can apply to the security company to obtain a copy of data held about you.

This is known as a 'data protection subject access request'. If you wish to pursue one against a private security company, contact Netpol for advice.